ACTS

PASSED AT

THE ANNUAL SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA

November through December 1836

[Original title page is missing]

PUBLIC AND GENERAL

LAWS OF ALABAMA,

PASSED BY THE GENERAL ASSEMBLY OF 1836.

[No. 1.] AN ACT

To authorise the Treasurer to receive that portion of the revenue of the United States allotted to this State.

Treasurer to receive that portion of the U. States Revenue allott'd to this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Treasurer of this State, be, and he hereby is authorised and required to receive, from the Treasury of the United States, the portion of the public money of the United States, allotted to this State, by the act of Congress, passed at its last session, entitled "an act to regulate the deposites of the public money."

Governor to issue certificate of deposites.

Sec. 2. *And be it further enacted*, That the Governor of this State cause to be issued, under the seal of the State, signed by himself, and countersigned by the Secretary of State, a certificate of deposite for each sum of money received by the Treasurer of this State as aforesaid; which certificate shall be in such form as may be prescribed by said Secretary, express the usual obligations in such cases, and pledge the faith of the State for the safe keeping and repayment thereof, according to the provisions of the thirteenth section of said above recited act. Approved 16th Dec. 1836.

[No. 2.] AN ACT

Regulating the management of estates of minors and others under guardianship.

The county court to authorise guardians to take in possession the property of their wards

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall be lawful for the county court having jurisdiction of the case, upon sufficient cause being shown to authorise any guardian of the estate of [illegible]nor, idiot, lunatic or other person non compos, to keep to[illegible]personal estate of his or her ward or wards, and to empl[illegible]n or for the purpose of agriculture, upon the land of such ward [illegible]wards.

Guardians to make annual returns.

Sec. 2. *And be it further enacted*, That such guardian shall make annual returns to the county court having jurisdiction of the estate, of the manner in which such estate has been managed, of the proceeds of the crop made, of the expenses incurred in establishing or carrying on the plantation, of the disposition of all moneys received from the estate &c. and on failure to do so, it shall be the duty of such court, to enforce such report by process of attachment.

judges of the county court to receive bonds.

Sec. 3. *And be it further enacted*, That the judges of the county court aforesaid, shall require and take from every such guardian such further bond with security as he may consider proper, in each case, for the faithful performance of his or her duty as guardian aforesaid. Approved, December 16, 1836.

No. 3.] AN ACT

Regulating the accommodations and liabilities of the President and Directors of the Branch of the Bank of the State of Alabama at Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall not be lawful for the president or any director of the Branch of the Bank of the State of Alabama at Mobile, who may hereafter be elected, to be liable or indebted, either directly or indirectly, in his own name or that of any other person, or by borrowing the name or note of any other person for the purpose of obtaining indirectly a larger accommodation or loan than is intended by this act, at any one period of time, to the said branch bank in a larger sum than thirty five thousand dollars, of which sum, five thousand dollars may be on accommodation notes where he shall be principal in said notes.

President and Directors not to be liable for more than $35,000.

Sec. 2. *And be it further enacted* That in computing or ascertaining the amount for which the president or any director of said branch bank may at any time be liable for, according to the provisions of the first section of this act, all sums of money obtained from said branch bank, or liabilities contracted thereto by the partner of any director, either in his own or the partnership name, shall be included in such computation.

No note to be discounted unless made payable at the Bank.

Sec. 3. *And be it further enacted,* That no note shall be discounted at said branch bank, which does not express upon its face that it is payable at said branch bank, or at some incorporated bank in the city of Mobile, and all such notes discounted at said branch bank, shall import by the act of discount, a fair and valid consideration, and no drawer or indorser of any such note so discounted shall be permitted to plead or avail himself of a want or failure of consideration to any suit brought thereon.

Oath of office.

Sec. 4. *And be it further enacted,* That every president and director of said branch bank, hereafter shall, before he enters upon the discharge of his duties as such president or director, take and subscribe the following oath, in addition to those now provided by law, to wit: "I do solemnly swear (or affirm, as the case may be) that I will not violate the provisions of an act entitled an act, regulating the accommodations and liabilities of the president and directors of the Branch of the Bank of the State of Alabama at Mobile, so long as I continue president or director thereof, (as the case may be) so help me God." The violation of which oath by any such president or any such director, shall be deemed and held to be wilful and corrupt perjury; and any such president or any such director so offending, shall be liable to and prosecuted and punished as now provided by law in other cases of wilful and corrupt perjury.

No director to be security for another.

Sec. 5. *And be it further enacted,* That in no case shall one director be surety or indorser for another director, upon any note or bill discounted at said branch bank, and that no note or bill shall be discounted at said bank, where one fourth of the directors present object to such discount.

Limitations of the President and directors.

Sec. 6. *And be it further enacted,* That the limitations and restrictions upon the indebtedness of the president and directors, as provided by the first section of this act, shall be and are hereby ex-

tended to all other individuals or partnerships, except such portions as may be incurred as drawers upon bills of exchange drawn and made payable out of this State on persons resident out of this State.

Sec 7. *And be it further enacted*, That no stockholder in any bank of this State shall take his seat as president or director in said branch bank, until he has divested himself of such stock.

Sec 8. *And be it further enacted*, That if the president or any director of the branch of the bank of the State of Alabama at Mobile, shall after having at any time received the amount for which he is permitted to become liable, resign or otherwise vacate his seat as president or director, it shall be the duty of the board of president and directors to proceed to close the account of such president or director, so resigning or otherwise vacating his seat as president or director: and it shall be the duty of the said board to refuse to extend any further accommodations to the president or director, or any copartner of such president or director, so resigning or otherwise vacating his seat, until the whole amount for which said president or director may be liable, shall be paid up: *Provided*, That all the provisions of this section shall extend as well to a president or director who may resign before, as well as after their accounts have been filled.

President and Directors on changing residence.

Resignation

Sec. 9. *And be it further enacted*, That if any president or director of said branch bank shall resign or otherwise vacate his office as president or director, he shall not be eligible to be re-elected for two years thereafter.

Sec. 10. *And be it further enacted*, That if the member resigning have a copartner or copartners in trade, neither of the said copartners shall be eligible in his stead.

Sec. 11. *And be it further enacted*, That nothing in the foregoing act, shall be so construed, as to divest the board of directors of discretionary power over the debts that may be due the said branch bank on the first day of January next, to demand the whole or any part thereof, as the good of the institution may seem to require.

Proviso

Approved Dec. 16, 1836.

No. 4.] AN ACT

For the relief of the Commanding Officers of companies composing the first Battalion of Alabama Volunteers who were engaged in the Florida campaign.

appropriations

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums be and the same are hereby authorized to be paid by the treasurer out of any moneys not otherwise appropriated, viz: To Captain Dennis Dent, the sum of two hundred and eighty-three dollars and fifty cents. To Captain James G. Blount, the sum of four hundred and twenty-six dollars and thirty-seven cents. To Captain William Capers, the sum of three hundred and ninety-seven dollars and fifty cents. To Captain William S. Taylor, the sum of three hundred and ninety-one dollars and seventy cents. To Captain Joseph Martin, the sum of twelve hundred and sixty dollars and sixty-six cents; being the respective amount paid by each officer to their men more than what has been allowed them by the United States paymaster. Approved, Dec. 17. 1836.

No. 5.] AN ACT

To to alter and amend the charter of the Alabama Life Insurance and Trust Company

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the seventh section of the act incorporating the Alabama Life Insurance and Trust Company, as requires the whole amount of the capital stock of said company to be loaned on notes or bonds, secured by unincumbered real estate, be, and the same is hereby altered and amended, so as to authorize the said company to invest, and employ one half of the capital stock aforesaid, in the same manner that they are authorized by the eighteenth section of the charter to invest and employ the profits and premiums of said company, and the monies received by them in trust; and also to take risk against the dangers of inland navigation.

Approved Dec. 17, 1836.

No. 6.] AN ACT

To provide for the payment of the Volunteers ordered to Vernon in March last as a Regiment of Observation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be paid out of any moneys in the treasury, not otherwise appropriated, for the payment of the commissioned, non commissioned officers and privates, of the regiment of volunteers, ordered to Vernon in March last, the following sums, which shall be paid to the officers, non commissioned officers and privates, according to the rates of pay and allowance for like services in the United States sevice, to the officers and privates of Captain A. H. Ramsay's company from Sumter county, one thousand and forty nine dollars and two cents; to the officers and privates of Captain John Abbott's company from Perry county, seven hundred and thirty five dollars; to the officers and privates of Captain William Rolnison's company from Madison county, fourteen hundred and sixteen dollars and forty cents; to the officers and privates of Captain Carmack's company from Lauderdale county, fifteen hundred and ten dollars and ninety five cents; to the officers and privates of Captain Norwood's company from Jackson county, fourteen hundred and eighty five dollars and fifty six cents; to the officers and privates of Captain Joab Bagley's company, twelve hundred and one dollars and fifty eight cents; to the officers and privates of Captain B. Philpott's company from Morgan county, eleven hundred and seventy dollars and twenty five cents; to the officers and privates of Captain Smith's company from Greene county, seven hundred and seventy six dollars and thirty six cents; to the officers and privates of Captain George W. Patrick's company from St. Clair and Shelby counties, eleven hundred and twenty seven dollars and ninety three cents; to the officers and privates of Captain Joseph Cook's company from Franklin county; eight hundred and thirty five dollars and twenty four cents. To the field officers and regimental staff of said regiment, three hundred and twenty nine dollars and eighty six cents.

Appropriations.

Sec. 2. *And be it further enacted,* That the sums appropriated to the several companies mentioned in the first section of this act,

shall be placed in the hands of some suitable agent for each company, to be appointed by his Excellency the Governor, and who shall enter into bond to be approved by the Secretary of State, for the just and proper payment of the money so placed in their hands, according to the true intent and meaning of this act. Governor to appoint agent

Sec. 3. *And be it further enacted*, That the agents appointed by the second section of this act, shall make the payment to each officer, non commissioned officer and private, or their legal representatives, according to the pay rolls examined and approved by the committee of the House of Representatives, a copy of which they shall procure, and they shall cause each officer, non commissioned officer and private, or their legal representatives, to receipt upon said roll for the sums paid to them, which roll shall be returned to the executive office. Duty of agent

Sec. 4. *And be it further enacted*, That the comptroller of public accounts, shall be authorised to draw his warrant upon the treasurer for the several sums herein appropriated. Comptroller to draw his warrant.

Approved Dec. 17, 1836.

No. 7.] AN ACT

To appropriate seventy thousand dollars of the profits of the Bank of the State of Alabama and its Branches for the payment of the Militia of this State raised for the Seminole and Creek Indian War.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of seventy thousand dollars of the profits of the Bank of the State of Alabama and branches, be and the same is hereby appropriated for the payment of all claims of the officers and soldiers, and other expenses of the militia of this State, which have been raised for the Seminole and Creek Indian war, and which claims have been, or may hereafter be allowed by law. Appropriati'n

Sec. 2. *And be it further enacted*, That any surplus of said sum of seventy thousand dollars which may remain after the payment of claims provided for in the preceding section of this act, shall pass into the common fund of said bank and its branches.

Approved, Dec. 20, 1836.

No. 8.] AN ACT

To change the time of holding the Courts of the Eight Judicial Circuit of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the several circuit courts in the eighth judicial circuit of the State of Alabama, shall commence and be held as follows, to wit: Coosa, on the fourth Monday in September, in each and every year, and continue six judicial days; Tallapoosa, on the first Monday after the fourth Monday in September, and to continue six judicial days; Macon, on the second Monday after the fourth Monday in September, and to continue six judicial days; Russell, on the third Monday after the fourth Monday in September, and to continue six judicial days; Chambers, on the fourth Monday after the fourth Monday in Sep- Altering time holding court.

tember, and to continue six judicial days; Montgomery, on the fifth Monday after the fourth Monday in September, and to continue until the business be disposed of.

Sec. 2. *And be it further enacted*, That the Spring term of the circuit courts of said judicial circuit, shall commence and be held at the times and in the manner now prescribed by law.

Criminal prosecutions not to be barred.

Sec. 3. *And be it further enacted*, That no criminal prosecution now barrable by the provisions of the statute of limitations within six months after the happening of the same, shall be barred in said circuit within that period of time; but that the said statute shall and is hereby declared to be extended to such criminal prosecutions, for the period of time occurring between the commencement of the different terms of the courts of said circuit.

Sec. 4. *And be it further enacted*, That all acts conflicting with the provisions of this act, be, and the same are hereby repealed.

Altering time holding courts

Sec. 5. *And be it further enacted*, That hereafter the circuit courts of the first judicial circuit, shall be commenced and holden as follows: In the county of Conecuh, on the third Monday in March; in the county of Monroe, on the fourth Monday of March; in the county of Washington, on the second Monday after the fourth Monday in March; in the county of Baldwin, on the third Monday after the fourth Monday in March; and in Mobile, on the fourth Monday after the fourth Monday in March, and continue in session until the business is ended. Approved, Dec. 22, 1836.

[No. 9] AN ACT

Regulating the accommodations and liabilities of the President and Directors of the State Bank, and the Branches of the Bank of the State of Alabama at Huntsville, Decatur and Montgomery.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall not be lawful for the president and the directors of the Bank of the State of Alabama, or of the branches of the Bank of the State of Alabama, at Huntsville, Decatur and Montgomery, who may hereafter be elected, to be liable or indebted, either directly or indirectly, in his own name or that of any other person, at any one period of time, to the said bank or branches, in a larger sum than thirty-five thousand dollars, upon bills of exchange, either as drawers or acceptors.

Restrictions of President and Directors.

Sec. 2. *And be it further enacted*, That in computing or ascertaining the amount for which the president or any director of said State Bank or branches, may at any time be liable according to the provisions of the first section of this act, all sums of money obtained from said State Bank or branches, or liabilities contracted thereto by the partner of any president or director, either in his own or the partnership name, shall be included in such computation.

Liabilities.

Sec. 3. *And be it further enacted*, that no note shall be discounted at said State Bank or the branches of the Bank of the State of Alabama at Huntsville, Decatur and Montgomery, which does not express upon its face, that it is made payable at said State Bank or branch respectively where the same is offered for discount, and all

No note to be discounted unless payable at same bank

such notes discounted at said State Bank or branches respectively shall import by the act of discount a full and fair consideration, and no drawer or indorser of any such note so discounted shall be permitted to plead or avail him or herself of a want or failure of consideration to any suit brought therein.

No director be security for another.

Sec.4. *And be it further enacted*, That in no case shall one director be surety or indorser for another director upon any note or bill discounted at said StateBank or Branches of the Bank of the State of Alabama at Huntsville, Decatur or Montgomery, and no note or bill shall be discounted at said State Bank and the Branches of the Bank of the State of Alabama at Huntsville, Decatur and Montgomery, where one fourth of the directors present object to such discount.

Oath of office

Sec. 5. *And be it further enacted*, That every President and director of said bank of the State of Alabama or of the branches of the bank of the State of Alabama at Huntsville, Decatur and Montgomery, hereafter elected, shall before he enters upon the discharge of his duties as such, take and subscribe the following oath, in addition to those now prescribed by law, to wit: I ——— do solemnly swear (or affirm as the case may be) that I will not violate myself, nor knowingly permit any other member of the board of which I am one, to violate the provisions of an act, entitled, an act regulating the accommodations and liabilities of the President and Directors of the State Bank, and the branches of the Bank of the State of Alabama at Huntsville, Decatur and Montgomery, so long as I continue President or Director (as the case may be) of this bank, so help me God. And a violation of said oath, shall subject any president or director who have taken the same, on conviction of a jury, to all the pains and penalties now prescribed dy law for wilful and corrupt perjury.

Penalty.

Restrictions.

Sec. 6. *And be it further enacted*, That the limitation and restrictions upon the indebtedness of the president and directors as provided by the first section of this act shall be and is hereby extended to the indebtedness of all other persons or partnerships, except such portions as may be incurred as drawers or acceptors upon bills of exchange, drawn upon persons residing out of this State, or made payable in the city of Mobile.

Disqualification for president or director

Sec. 7. *And be it further enacted*, That it shall not hereafter be lawful for any person to be president or director of the Bank of the State of Alabama, or any of its branches, or director on part of the State in any other bank, who may hold any share or shares of stock, in any stock bank in this State, in his own right or as agent or guardian for another, or whose wife or minor children shall hold or own stock of any kind in any stock bank or banks in this State.

Sec. 8. *And be it further enacted*, That if any person shall be elected or appointed contrary to the provisions of the first section of this act, they shall not be permitted to take their seat as president or directors until they shall have divested themselves of such interest, any law to the contrary notwithstanding.

Approved, Dec. 17, 1836.

No. 10.] AN ACT

Making an appropriation for the payment of the membsrs and officers of the present General Assembly.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of thirty thousand dollars be and the same is hereby appropriated for the payment of the members of the present General Assembly and the officers of the two houses, out of any money in the treasury not otherwise appropriated.

Sec. 2. *And be it further enacted* That the sum of two hundred and fifty dollars be, and the same is hereby appropriated to the paymedt of clerk hire, in the Comptroller's office during the past year, to be paid out of any money in the treasury not otherwise appropriated.

Approved, Dec. 22. 1836.

No. 11.] AN ACT

To authorise the Governor of this State to appoint a Commissioner to receive, examine audit and settle all claims against the State, growing out of the late Indian hostilities.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of this State be, and he is hereby authorised to appoint a commissioner, whose duty it shall be to receive, eaxmine, audit and settle all of the claims against this State, growing out of the late Indian hostilities in this State, and the Seminole hostilities in Florida; and it shall further be the duty of said commissioner, appointed under the provisions of this act, to examine the claims allowed by this Legislature, during the present session, and it shall be his duty to record the same in a well bound book for the use of the next General Assembly.

Sec. 2. *And be it further enacted,* That the said commissioner, appointed by the first section of this act, shall be entitled to receive such compensation for his services as the Governor may direct.

Commissioner's duty.

Sec. 3. *And be it further enacted,* That the accounts or claims which may be approved by the said commissioner, under this act, shall be submitted to the Governor for his approval, and if the Governor approve the same, they shall be paid, and for the payment of all such claims allowed as aforesaid, the said commissioner shall be authorised to issue his warrant upon the comptroller of public accounts for the same, which shall be paid out of any money in the treasury not otherwise appropriated.

Compensati'n

Approved Dec. 22, 1836.

[No. 12.] AN ACT

Making further appropriations for the payment of the members and officers of the General Assembly.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the further sum of six thousand dollars be and the same is hereby appropriated for the payment of the members and officers of the present session of the General Assembly.

Approved Dec. 23, 1836.

No. 13.] AN ACT

To be entitled an act, to amend and consolidate the laws on the subject of Public Roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all roads heretofore established or recognized by any act of the General Assembly, or an order of any commissioners' court, as public roads, and not since discontinued, are hereby declared to be such, and full power and authority are hereby given to the commissioners' courts of the different counties in this State, under the provisions hereinafter specified, to order and establish new roads; to discontinue such as have, or may at any time become useless; to alter roads, so as to make them more useful and convenient; and any order of the commissioners' court, by which a road is recognized as a public road, shall in all cases, be *prima facie* evidence of that fact. *Provided,* that said court, shall, in no instance, grant an order to establish, discontinue or change a public road, unless the person or persons petitioning for the same, shall have given at least thirty days notice of the intended application, by advertisement at the Court House door, and at three other public places in the county: *Provided, also,* No change shall be made in any State Road by the commissioners' court, at the point where such road may cross county boundaries unless the court of the adjoining county will make a corresponding change.

Commissioners of roads and revenue, to establish roads.

Sec. 2. *And be it further enacted,* That the mode of establishing a new, or changing an old road, shall be by a jury of seven house-holders (a majority of whom may act,) appointed by the commissioners' court; and said jury shall, before the clerk of the county court, or other person, qualified to administer oaths, take an oath, that they "will view and mark out the road named in the order directed to them from the commissioners' court, in pursuance of said order, to the greatest advantage to the public, and with as little prejudice to enclosures and private indiuiduals, as convenient, without favor or affection, malice or hatred, and to the best of their skill and knowledge;" and said jury, after having complied with said order, shall make report to said court; but no new road shall be opened between the first day of March and tenth day of July, in any year, nor open through any enclosure whilst there is a crop growing in the same.

Jury, of seven house holders to be sworn, before making alterations in roads

Sec. 3. *And be it further enacted,* That in case where a new road is established, the owner of land over which it passes, may, at or before the next term of the commissioners' court, apply to said court for damages, for the injury which he may have sustained by its establishment, and it shall be the duty of the court to cause a jury to be empannelled and sworn to enquire of such damages; in which inquiry the jury shall be charged to take into consideration the advantages and disadvantages accruing to such applicant, and to give their verdict accordingly; and the damages if any, assessed, shall be paid out of the county treasury. *Provided,* the court may in their discretion, order the same jury who lays out the road to be empannalled to assess the damages; and may also appoint in the order, the time at which the road shall be cut out.

When a new road is established, Jury to ascertain damages.

Sec. 4. *And be it further enacted*, That the grades and precincts, or parts of all the public roads in this State, shall remain as already fixed and divided by the commissioners' courts, unless said courts see proper to alter them; and it shall be the duty of said courts to divide all those into grades and precincts, which have not already been divided, as well all new roads they may hereafter establish, and to cause their clerks to make out and keep up a full and complete list of all the roads in their counties in some separate place on the books, of their proceedings stating their grades, names and parts or precincts, so that an easy reference may at all times be had to the same; and the grades of all roads shall be as follows: The first grade shall comprise roads at leas thirty feet wide, with cause-ways and bridges, at least fifteen feet wide; the second grade, roads not less than twenty feet wide, with cause-ways and bridges, not less than twelve feet wide; the third, not less than fifteen feet wide, with cause-ways and bridges, at least ten feet wide—all grades cleared of trees and other obstructions, with stumps cut within six inches of the surface, and all lanes shall be at least thirty feet wide.

Roads to be divided into grades and precincts.

Sec. 5. *And be it further enacted*, That if any person shall alter or change any public road, unless by order of the commissioners' court, founded on the report of a jury, appointed and sworn, as in the case of laying out new roads; or unless it be done to straighten said road through enclosures; or to render it more convenient to the public; or if any person shall erect or cause to be erected across any public road, a fence, bar or other impediment, or fell a tree or brush or other obstacle on or across the same, and shall not remove it within twenty-four hours threafter; or if any person shall deface, remove or destroy any mile post, finger or index-board, cause-way or bridge, legally set up or constructed, on any public road, such person shall be liable to indictment, and on being found guilty, shall be fined in any sum the jury trying the offence may assess.

Penalty for felling trees across roads.

Sec. 6. *And be it further enacted*, That the following persons shall be liable to work on, clear out and repair the public roads; all free white male persons, between eighteen and forty-five years of age, and all male slaves and other persons of color, over sixteen and under fifty years of age, unless exempt by some act of the General Assembly; or some actual or reasonable inability; and the following persons shall be exempt: All licensed ministers of the gospel, teachers and students of common schools or public institutions, keepers of grist mills that grind for toll, public ferrymen, commissioners of roads and revenue, and apportioners, presidents and directors and other officers of the State Bank and its branches, justices of the peace, judges and clerks of the different courts of this State, sheriffs of the several counties of this State and the several executive officers of this State.

Persons liable to work on roads.

Persons exempt from working on roads.

Sec. 7. *And be it further enacted*, That no person shall be compelled to work on any public road, when every part thereof lies more than six miles from his place of residence, nor be required to work more than ten days in any one year; and all persons shall be required to work on the nearest road to them, unless, in the opin-

No person compelled to work on roads when his residence is six miles distant from said road

ion of the apportioners, an impartial apportionment cannot in that way be made, but all persons liable to work, and living within three miles of any new road about to be opened, shall be liable to work in opening the same, and when it happens by accident or otherwise, that any person has been warned to work on two or more roads at the same time, he shall work on the road on which he was first waned, if, in any case he would be liable to work on such road, and unless he has been apportioned on some other, and notified or informed thereof.

Persons living within the beat to furnish list of hands to work on roads.

Sec. 8. *And be it further enacted*, That it shall be the duty of every person within the bounds of any beat, on application of any of the apportioners, to be appointed as prescribed in this act, forthwith to furnish a list of all his hands, at that time liable to work on public roads, (himself included,) and if any person neglect, for the space of five days thereafter to deliver such list to some one of the apportioners, he shall forfeit and pay the sum of six dollars for each hand liable to work, to be recovered before a justice of the peace; and it is hereby made the duty of the said apportioners, to apply for warrants in all such cases, and cause the amount of forfeitures collected, to be paid over into the county treasury.

Penalty for failing to furnish list of hands.

Commissioners to appoint three house-holds in each beat to act as apportioners and supervisors and also an overseer for each precinct.

Sec. 9. *And be it further enacted*, That it shall hereafter be the duty of the commissioners' courts biennially, at the first term in the year, to appoint three discreet house-holders in each beat in theire respective counties to be called, and act as "Apportioners and Supervisors," and also,one overseer for each precinct or part of each public road, who shall hold their offices for the term of two years from the date of their appointment; and should the court fail to make such appointments, the same may be made at any term thereafter; and the judge of the county court shall have the authority of making temporary appointments, and filling vacancies which may occur from any cause, in either of said officers, and is hereby so required to do. And the said apportioners or supervisors and overseers, on making a shewing to the satsfaction of the commissioners' court, that they have faithfully discharged all the duties of their respective offices, for the term of two years, shall receive a certificate of exemption at the hands of said court, from road duty for the next two years. And the apportioners before entering upon the duties of their office, shall take an oath, impartially to apportion the hands in their beat according to the grade and quality of the roads, and faithfully to discharge all the duties of their office.

Apportioners to take an oath.

Manner of furnishing appointments.

Sec. 10. *And be it further enacted*, That within fifteen days, and sooner if practicable, after the appointments mentioned in the last section of this act, are made, the clerk of the county court shall furnish to the sheriff a copy of the order of appointment in each case; if it be of an overseer, stating the road and precinct, the grade of the road, and who are the apportioners in his beat; but if the order be of the appointment of apportioners, such order shall be accompanied with a statement from under the hand of said clerk, of the names of all the overseers in the beat, their precincts, names and grades of the roads. And the sheriff shall, within thirty days

Sheriff to deliver copy of order.

thereafter, and sooner, if practicable, deliver a copy respectively to each of said officers or leave the some at their most usual places of residence, and make due return of the original to the said clerk; and if the clerk or sheriff neglect either of the duties assigned to them in this act, he shall, in each and every instance, be liable to pay a fine of twenty dollars, to be recovered on one day's previous notice being given, on motion of the State's Attorney, before the circuit court. But a service at any time shall be considered binding on the overseers and apportioners, and the said clerk and sheriff shall not hereafter be entitled to receive any thing for ex-officio services; but, on making a showing to the satisfaction of the commissioners' court, that they have faithfully discharged all the duties prescribed to them by this act, they shall receive annually, the sum of ninety dollars each, to be paid out of the county treasury.

Non acceptance of overseers.

Sec. 11. *And be it further enacted*, That if any person, duly served with a copy of an order of his appointment as overseer or apportioner, shall fail or refuse to act, such person shall, within ten days, if practicable after such service, furnish a statement in writing, under oath, to the judge of the county court, of the reasons of his non-acceptance, and the said judge shall forthwith fill the vacancy, and cause such statement to be placed on the State docket of the next circuit court, and in the files of the State papers of said court; and if the reasons be deemed not sufficient, such person shall be liable to be fined by said court, without the intervention of a jury, unless it be demanded, not exceeding one hundred dollars. And, in all cases where such affidavit is not made, the office shall be presumed to have been accepted, and the several officers held responsible accordingly.

Duty of apportioners.

Sec. 12. *And be it further enacted*, That it shall be the duty of the apportioners, or a majority of them, within fifteen days, and sooner if practicable, after receiving notice of their appointment, to proceed and take a list of all the hands within their respective beats liable to work on the public roads; to apportion them on the different precinets, to take care that all who become liable by moving into their beats are placed on their list and strike off such as become exempt, and from time to time during their terms of service impartially to apportion the hands among the overseers according to the quality and grades of the precincts. They shall from time to time, examine the condition of all the public roads in their respective beats, to furnish the different overseers with correct lists of hands; to see that hands and owners of hands are prosecuted for neglect of the duties assigned them; and especailly, to cause any overseer in their beat to be prosecuted whose precinct shall be found to be out of repair, by reporting him to the grand jury, by deputing one of their number to attend the circuit court for that purpose. And the apportioner attending court for this purpose, shall be entitled to receive out of the county treasury, four cents per mile for going and returning, ferriage, and two dollars per day while attending court; unless the overseer be convicted, and in that case such expense shall be taxed in the bill of costs against him. And if any apportioner

To furnish overseers with correct list of hands.

neglects any of the duties prescribed for him in this act, he shall be liable to indictment, and on being found guilty, shall be fined in any sum the jury trying the offence may assess. Penalty for neglect of duty.

Sec. 13. *And be it further enacted*, That it shall be the duty of the overseers in each beat, as soon as practicable after their appointment, if they have not been furnished with a list of hands by the apportioners, to apply for and obtain a list from them, or some one of them, and cause the apportioners to be presented to the grand jury, if they fail or refuse to furnish lists, or discharge their other duties, and shall be entitled to recover the same compensation as is allowed by this act to apportioners for attending court when necessary. They shall have the right to act under former apportionments when none is regularly made, and warn and compel all hands to work who live within two miles of any part of their precinct. When no apportionment old or new exists, they may place on their lists any hands who are liable and have not been apportioned, and such hands are hereby required to work. They shall measure their respective precincts in continuation, set up neat and permanent mile posts at the end of each mile from the court-house or other noted place on his road, to affix at the forks of all public roads index or finger-boards pointing towards, with directions to the most noted places to which they lead, and supply the place of any posts or boards which may be removed; they may contract for the making of the same, and present their accounts, sworn to, which shall be allowed by the commissioners' court out of the county treasury. For the purpose of opening a new road, they may warn, and compel to work, all hands within three miles of any part thereof, to keep their road in repair, they shall exercise their discretion as to when they will call out the hands, so that no one can be compelled to work more than ten days in any one year. They shall see that all persons are prosecuted who injure their roads or precincts. Overseers to apply for a list of hands in their respective beats. Mode of warning hands.

Sec. 14. *And be it further enacted*, That the mode of warning hands shall be by giving at least two days previous notice, either by the overseer himself (or some person whom he may appoint, who may by serving be exempt from working for the time,) in person or in writing, left at the proper persons place of residence, to all free male persons as well as to the owner or overseer of slaves, liable to meet at such times and places as he may appoint, and with such tools as he may direct.

Sec. 15. *And be it further enacted*, That if any free person summoned as prescribed by the fourteenth section of this act, shall fail to attend or send a substitute, with the proper tools, or fail faithfully to perform his duty, or if any owner or overseer of any slave shall fail to send the same to work, in pursuance to the summons, such person, owner or overseer, shall for each days default, pay not exceeding three dollars nor less than one dollar, to be recovered before a justice of the peace of the proper beat, and it shall be the duty of the overseer to return a list; on oath, of all the defaulters, and take care that they are sued as this section directs, and the list returned as aforesaid, shall, in the absence of the overseer, be deemed Penalty for not attending.

sufficient evidence. *Provided*, the overseer may hear excuses that are good, during the first five days after the default, had the justice of the peace at any time after and before judgment, may hear all reasonable excuses; *And provided also*, that if any overseer return an incorrect list to the justice of the peace, any person injured thereby, may recover the amount of damages sustained by an action of debt, and in no case shall an overseer pay costs if a defaulter be exonnerated, provided that the costs shall be paid as in other State cases.

Proviso.

Sec. 16. *And be it further enacted*, That if any overseer fails to prosecute defaulters as the law directs, it shall be lawful for any person that is liable to work on said road, to apply to a justice of the peace, and such justice is hereby required to issue a summons against such overseer, requiring him to appear and show cause why the defaulters were not prosecuted, and if such overseer fails to appear and shew cause, such justice shall give judgment with costs against him, for as much as the fines would have amounted to, at two dollars for each defaulter, and the officer collecting the same, shall pay it over into the county treasury.

Overseers to prosecute defaulters.

Sec. 17. *And be it further enacted*, That the overseer shall cause bridges and causeways to be constructed wherever necessary, unless the commissioners deem it expedient to have the same built by private or individual contract; and whenever from any cause, a space intervenes between any two beats, precincts, or at a county line on the same road, the overseers on each side shall unite in proportion to their respective number of hands, in doing the work necessary to bring their precincts together, whether in working the road, building a causeway or a bridge. Should any overseer find it necessary to contract for timber to build a bridge, causeway, or make other improvements on his road, and he cannot agree with the owner of the timber, then and in that case, he shall appoint some one disinterested person, and the owner of the timber shall have the liberty of appointing some other person, and if the owner neglect or refuse to do so, then the overseer shall appoint two persons, who after having been first sworn, shall value the timber, and should they disagree as to a price, they shall call to their aid a third person, whose decision shall be final; and the owner on obtaining a certificate of such decision, shall lay the same before the commissioners court, who shall cause the allowance to be made out of the county treasury. And should the overseer find scrapers or dirt drags, wagons, ploughs and horses, or any other instruments besides the ordinary farming tools, necessary to put and keep his precinct in good repair, he may in his discretion, receive them in exchange fer the labor of hands, if they can be obtained in that way, or he shall apply to the commissioner's court, who being fully satisfied of the expediency of the application, may, and are hereby required to authorise the overseer to make a contract for such of them and to such an amount as they may think proper, and pay the amount out of the county treasury.

Overseers to cause bridges and causeways to be constructed.

May cantract for timber.

May exchange labor.

Sec. 18. *And be it further enacted*, That all persons or officers into whose hands any money may come on account of fines, &c. under this act, shall pay the same over to the overseers of the proper

Fines to be paid to the overseers of roads.

roads, to be by them expended and laid out in the improvement of the same. And said overseers shall make return annually, to the county court and commissioners, showing the manner in which they have expended the same.

Overseers failing to open new road or keep roads in repair to be fined.

Sec. 19. *And be it further enacted*, That if any overseer fail to open any new road which he has been appointed to open, or fail or neglect to keep the roads, bridges and causeways within his district or precinct, clear and in good repair, or suffer them to remain uncleared and out of repair for ten days, at any one time, or neglect any other duty prescribed in this act, provided he be not hindered by high water, bad weather or other sufficient cause, to be adjudged of by the court, such overseer shall be liable to indictment, and on being found guilty, shall be fined any sum the jury trying the offence may assess. And on the trial of any overseer for a neglect of duty, &c. under this act, proof of his appointment, by the return of the order by the sheriff, or in case of its loss, by the evidence of the sheriff, clerk or of any other person who knows the fact from any act of the overseer, shall be taken as prima facia evidence, that the road is a public road, and that hands have been regularly and in due time apportioned on it, and with the additional proof of the bad condition of the road, the charge shall be considered as established and the burthen of proof thrown on the overseer.

Secretary of State to have 100 copies printed and distributed.

Sec. 20. *And be it further enacted*, That it shall be the duty of the Secretary of State to have one hundred copies of this act printed within ten days after the adjournment of the present General Assembly, and to distribute one copy of said act, to each of the clerks of the county courts of this State before the first day of February next.

Repeal.

Sec. 21. *And be it further enacted*, That all the laws now in force on the subject of public roads, as well as all laws or parts of laws, which contravene the provisions of this act, be, and the same are hereby repealed: *Provided*, this act shall not apply to the county of Mobile, nor be so construed as to alter or repeal any special act for the benefit of any other county, town or company.

Approved, Dec. 23, 1836.

No. 14.] AN ACT

To discontinue and establish certain election precincts therein named.

Precincts abolished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the election precincts heretofore established by law, at the places following, to wit: at James Prothrow's in the county of Chambers, at Adam Ranor's in the county of Marion, at Daniel Readoe in the county of Lauderdale, at William Campbell's in the county of Clarke, at Ship's in the county of Butler, at John McCundica's in the county of Wilcox, in Capt. Robbs' beat south of the Tennessee river in the county of Jackson, at John Weaver's in the county of Fayette, at Puckett's Store in the county of Sumter, at William Browne's in the county of Walker, at John Smith's near the bluff, generally known and called by the lower standing Peach Tree in the county of Wilcox, at Asa Cobb's in the county of Franklin, at James

Blassington's in the county of Randolph, at Y. R. Watts' in the county of Conecuh, at Hiram Monger's in the county of Washington, at the store of Small & Pearce in the county of Pike, at Middleton Ford's in the county of Morgan, at Capt. Daule's and at Maj. Henley's in the county of Cherokee, at Willis Woods' in the county of Talladega, at Charles Priester's late residence in the county of Washington, at Shoal Ford in the county of Limestone, be and the same are hereby abolished and discontinued. And that the election precincts now established at Gayle's store in the county of Dallas, be and the same is hereby abolished, and that the precinct heretofore established at the house of George W. Hale, be abolished, and that a precinct be established at the present residence of said George W. Hale in the county of Morgan, and that an election precinct at Normentsville in Pickens county be also abolished, and that an election precinct at the house of Robert Bell in the county of Greene be also abolished, and that the election precinct at the house of Robert Cosby's in Blount county be abolished and one established at the store house of Aldridge & Brooks, in lieu thereof in said county.

Sec. 2. *And be it further enacted*, That election precincts be and the same are hereby established at the places following, to wit: one at the house of Lesam Parmer in the county of Cherokee, one at James McCutchan & Co's store in the county of Limestone, one at the new place of Charles Prieston in the county of Washington, one at Black Bluff in the county of Sumter, one at the store of Messrs. Noell & Wilson, in the town of Fayetteville in the county of Talladega, one at the house of Thomas Geddes' on Elliott's creek in the county of Perry, one at the house of George Ranson on the south side of the Tennessee river in the county of Marshall, one at the store house of John H.L. Murray in the county of Morgan, one at New Lexington in the county of Tuscaloosa, one at William Babb's in the county of Conecuh, one at Thomas James' in the county of Morgan, one at Blue Store in the county of Pike, one at the house of John Green in the county of Barbour, one at Lewis' creek meeting house in the county of Washington, one at the store house of R. W. McHenry in the county of Chambers, one at the house of Edward James in the county of Macon, one at the house of Alexander Bornes' in the county of Tallapoosa, one at Patton's cross roads in the county of Greene, one at the store of Richard A. Townes and Company near the rail road in the county of Franklin, one at Hugh Montgomery's mills, and one at the house of Hugh W. Harris in the county of Randolph, one at the store house of Henry W. Bryan near the Lower Peach Tree in the county of Wilcox, one at Payneville and one at Buzzard Roost in the county of Sumter, one at the house of Robert Richards in the county of Barbour, one at the house of William Kilpatrick, one at Normentsville in the county of Pickens, one at the house of David Barton in the county of Fayette, one at the store of Pleasant G. Jackson in the county of Butler, one at Daniel McCoy's in the county of Jackson, one at Snow Hill in the county of Wilcox, one at the house of Martin Saice in Captain Jacob Champion's beat in the county of Lowndes, one at the house of Captain Green Wood

Established.

in the county of Limestone, one at the house of John McKnight and Wright Causey, on section twenty-seven, township twenty-four, and range 25, in the county of Chambers; one at Samuel Forward's store at his summer residence near the forks of the road leading from Suggsville to Claiborne and Gosport, in the county of Clarke one at Hillsborough on the rail road in the county of Lawrence, one; at the store of Westmoreland and Taliaferro in the county of Lauderdale, one at the house of Thomas Noah, and one at the house of James Franks in the county of Marion, one at the store of Thomas Smith, on lot number thirty-three, township twenty-four, range twenty-six, in the county of Chambers; one at the house of William Wilson on Mud creek in the county of Fayette, one at the house of Bannoi Miles in Pickens county, one at Cochran's mills in the county of Pickens, one at the house of John A. Hurst in the county of Chambers, one at the house of John Ready in the county of Walker, one at Yantley on the lands of Burwell Harman on Yantley creek in the county of Sumter, one at the house of Edward James in the county of Macon, one at the house of Alexander Burns in the county of Tallapoosa, one at Bonner's mill in Pickens county, one at the house of Mike Armstrong, and one at William Trugwick's in the county of Butler, one at the town of Lexington in the county of Dallas; and also to abolish the election precinct at Haner Hinds in Tallapoosa county, and to establish in lieu thereof one at Dudley's mill in said county; also to abolish an election precinct at the house of Mr. Castle's on Bear creek in Pickens county.

Sec. 3. *And be it further enacted*, That from and after the passage of this act, it shall be the duty of the sheriff of the county of Mobile to open the polls at every annual election in the city of Mobile at eight o'clock in the morning, and continue the same open until six o'clock in the evening. And the precincts heretofore established in said county at Portersville and at the Creek house, are hereby abolished, and the precinct at Spring Hill removed from King's store to the house of Jonathan Chrisolm, and also a precinct established at Ladinear's house on Boyou le Batree, and if the sheriff of said county shall fail to comply with the first provisions of this section, he shall thereupon forfeit and pay a fine of one hundred dollars, to be collected in the ordinary mode of enforcing fines against officers.

Sheriff to open polls.

Sec. 4. *And be it further enacted*, That the name of the elecon precinct at Dumas' store, in the county of Pickens, be and the same is hereby changed to that of "Liberty," and further, that the second section of an act passed on the ninth day of January, one thousand eight hundred and thirty-six, entitled an act to establish and abolish certain election precincts therein named, be so amended as to strike out the words "James' mills" and insert in lieu thereof the words, Mrs. Sarah Jane's mills.

Altering name

Sec. 5. *And be it further enacted*, That the election precinct heretofore established at Farley's, in Madison county, be, and the same is hereby abolished, and in lieu thereof an election precinct

be and the same is hereby established at David Clutts in said county.

Sec. 6. *And be it further enacted*, That the election precinct heretofore established at Ba Secures, in Baldwin county, be and the same is hereby abolished, and in lieu thereof an election precinct be and the same is hereby established at the house of Nicolas Meeks in said county.

Abolishing

Establishing

Sec 7. *And be it further enacted*, That the election precinct now established at Hemphill's mill and at Iven Howard's, in the county of Tuscaloosa, be abolished, and that one be established at James Cockrell's new store, on the State road in said county.

Sec. 8. *And be it further enacted*, That the following election precincts be and the same are hereby abolished, to wit: at the house of L. B. Vincent in the county of Franklin, at the sixteenth section, township thirteen, range twenty-seven, in the county of Barbour, at the store of White and Mangham in the county of Russell, at Hindes' in the county of Tallapoosa, and at Haytor's store in Lawrence county.

Sec. 9. *And be it further enacted*, That the following precincts be, and the same are hereby established, to wit: one at Salem in the county of Russell, one at the house of Robert P. Bates in the county of Franklin, one at Fredonia in the county of Chambers, one at the house of H. G. Jinkins on section twenty-eight, township thirteen, range twenty-seven, in the county of Barbour, one at the store house of High & Travis in the county of Limestone, one at the house of James Cain in the county of Walker, one at Linch's store in the village of Aberfail in the county of Pike, one at Dudleyville and one at Bevin's store in the county of Tallapoosa.

Approved, Dec. 23, 1836.

No. 15.] AN ACT

To alter and amend the laws now in force, fixing the compensation of the Judges of the Circuit and Supreme Courts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the judges of the supreme court shall receive, as compensation for their services, a salary of twenty-two hundred and fifty dollars each.

Salary of Supreme Court Judges.

Sec. 2. *And be it further enacted*, That the judges of the circuit courts, hereafter to be elected, shall receive a salary of two thousand dollars each.

judges of the circuit court.

Sec. 3. *And be it further enacted*, That hereafter, if any judge of the supreme court shall fail or neglect to attend any term of said court, at the commencement thereof, or, after having attended, shall absent himself before the final adjournment of said court, every such judge, so failing or neglecting to attend, or absenting himself, (unless the same shall be necessary on account of the sickness of himself or his family, to be proven by his own affidavit, which shall be produced to the comptroller of public accounts, and filed in his office,) shall forfeit the sum of twenty-five dollars, to be deducted from his salary, for each and every day he may so neglect or fail to attend or shall absent himself.

judges failing to attend.

Sec. 4. *And be it further enacted*, That hereafter, if any judge of the circuit courts of this State, shall fail or neglect to attend any term of any circuit court, which it may be his duty to hold, at the commencement thereof, or, after having attended, shall absent himself therefrom before the end of the term of any such court, as fixed and prescribed by law, (unless the business of said court shall be sooner disposed of,) every such judge, so failing or neglecting to attend, or absenting himself, (unless the same shall be necessary on account of the sickness of himself or his family, to be proved by his own affidavit, which shall be produced to the comptroller of public accounts, and filed in his office,) shall forfeit the sum of twenty five dollars, for each and every day he may so fail or neglect to attend, or shall absent himself. judge of circuit court absenting himself.

Sec. 5. *And be it further enacted*, That it shall be the duty of the clerk of the supreme court, whenever any judge thereof shall fail or neglect to attend at the commencement of any term of said court, or, after having attended, shall absent himself from said court, before it shall have finally adjourned, immediately after the final adjournment of said court, to certify to the comptroller of public accounts, the number of days any such judge shall have failed or neglected to attend said court, or shall have absented himself therefrom after having attended; and in like manner, whenever either of the judges of the circuit courts of this State, whose duty it may be to hold the term of any circuit court, shall fail or neglect to attend at the commencement of the term of any such court, or after having attended, shall absent himself therefrom before the expiration of the term thereof, as fixed by law, (unless the business therein shall be sooner disposed of,) it shall be the duty of the clerk of any such circuit court, immediately after the final adjournment thereof, or after the expiration of the time fixed by law for holding the same, to certify to the comptroller of public accounts the number of days said judge shall so have failed or neglected to attend, or shall so have absented himself after attending said court. And it shall and is hereby made the duty of the comptroller of public accounts, at the time the next quarter's salary of any such judge of the supreme or circuit court shall become due, to deduct therefrom the sum of twenty-five dollars per day, for each and every day such judge of the supreme court, or of the circuit court, (as the case may be,) shall have failed or neglected to attend any court, or shall have absented himself therefrom, under the provisions of this act, according to the certificate of the clerk of the proper court, unless such judge shall make affidavit, as required by the second and third sections of this act. Duty of clerk of supreme c't. Clerk circuit court duty.

Sec. 6. *And be it further enacted*, That if the clerk of the supreme court, or the clerk of any circuit court, shall fail or neglect to perform the duty required of them respectively, by the fifth section of this act, for the space of thirty days, every such clerk, so offending, shall be liable to be fined in the sum of one hundred dollars, to be recovered on motion of the solicitor in the circuit court of the pro- Penalty.

per county, one day's previous notice in writing, being given of any such motion.

Sec. 7. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be and the same are hereby repealed. Approved Dec. 23, 1836.

No. 16.] AN ACT

To revise the Militia Laws of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the Governor, and he is hereby authorised to appoint three commissioners to meet in the town of Tuscaloosa, on the first Monday in October next, whose duty it shall be to digest, amend and revise the militia laws in such manner as will ensure an efficient and uniform system, which shall be laid before the next session for approval and examination.

Governor to appoint commissioner.

compensation

Sec. 2. *And be it further enacted*, That the commissioners appointed under the first section of this act, be and they are hereby authorised to appoint a secretary; and the commissioners and secretary shall be entitled to receive the same compensation that is now allowed by law to members of the General Assembly.

How paid.

Sec. 3. *And be it further enacted*, That the comptroller is hereby authorised to issue his warrant for the same on the certificate of the chairman of said commissioners, which shall be paid out of any money in the treasury not otherwise appropriated.

Approved Dec. 23, 1836.

[No. 71. AN ACT

To raise the salary of the State Printer.

Salary of State Printer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the State Printer shall receive an annual salary of thirty eight hundred dollars, to be paid agreeable to the law now in force on that subject.

Addition of number of laws and journals.

Sec. 2. *And be it further enacted*, That in addition to the number now required by law to be printed, the printer shall print sixty copies of the acts and resolutions, and twenty-five copies of the journals of the House of Representatives, and fifteen copies of the journals of the Senate and distribute them as now required by law. *Provided however*, if the State Printer shall fail to perform any part of the duty of him required, that his salary shall be deducted from in proportion to his failure.

Sec 3. *And be it further enacted*, That the sum of eight hundred dollars in addition to the sum of three thousand dollars already appropriated, be and the same is hereby appropriated for the payment of the State Printer for the ensuing year.

Approved, Dec. 23, 1836.

No. 18.] AN ACT

To amend the laws in relation to sixteenth sections in this State.

Section 1. *Be it enacted by the Senate and House of Represen-*

tatives of the State of Alabama in General Assembly convened, That whenever any payment shall have been made on account of any sixteenth section, the whole nett profits made on the fund thereby created, shall be paid over to the commissioners of such sixteenth section in the same manner that the six per cent. or said fund is now required to be paid over, and shall be by said commissioners appropriated in the same manner as the said six per cent. is now required to be appropriated, notwithstanding full payment shall not have been made for such sixteenth section. Payment for sixteenth sections.

Approved Dec. 23, 1836.

No. 19.] AN ACT

To authorise the Governor to appoint three Commissioners annually to examine the affairs of the Bank of the State of Alabama, at Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be and he is hereby authorised to appoint three commissioners annually to examine the affairs and condition of the Bank of the State of Alabama at Tuscaloosa, whose duty it shall be to report the result of said examination to the Legislature, within the first week of their session. Governor to appoint three com'issioners

Sec. 2. *And be it further enacted,* That the commissioners authorised to be appointed by this act shall receive the same compensation which is now allowed by law, to commissioners appointed to examine the several branch banks of this State. compensation

Approved, Dec. 23, 1836.

No. 20,] AN ACT

Concerning the registration of Deeds.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for any person or persons, who have failed to have deeds and conveyances of real and personal estate, recorded within the time prescribed by law, to have the same recorded within six months after the passage of this act *Provided,* that such legislation shall not affect the rights of creditors and purchasers which have heretofore vested. Recording real and personal estate.

Sec. 2. *And be it further enacted,* That deeds heretofore recorded, but not within the time required by law, shall be as good and effectual as if recorded in the time aforesaid, except as to creditors and subsequent purchasers, without notice.

Approved, Dec. 23, 1836.

[No. 21] AN ACT

Relative to the stock belonging to the State, in the Bank of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the President of the Bank of the State of Alabama, and he is hereby authorised to receive from the Bank of Mobile, such amount of dividends on the stock owned by the State in said bank, as may have been declared by the Board of Directors, or may hereafter be declar- State Bank.

ed by the board of Directors, and out of the sums so received, it shall be his duty to pay the semi-annual interest on the State bonds, amounting to six hundred thousand dollars, invested in the stock of said bank.

Sec. 2. *And be it further enacted*, That the said president of the State Bank, be and he is hereby authorised to sign such books or acquittances as may be necessary for the dividends aforesaid, and it shall be his duty, after paying the said semi-annual interest, to deposit the remainder of said dividends to the credit of the sinking fund in the said Bank of the State of Alabama.

Approved Dec. 23, 1836.

[No. 22.] AN ACT

Amendatory of the laws on the subject of Dower.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall be lawful for all femes covert within this State, whether under or over the age of twenty-one years, to make relinquishment of dower, to the estate of their husband, under the rules, limitations and restrictions now provided; any law to the contrary notwithstanding.

Laws of dower

Approved, Dec. 23, 1836.

No. 23.] AN ACT

To authorise Lawyers residing in the State of Georgia to practice Law in the Circuit and County Courts of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, resident lawyers of the State of Georgia are hereby authorised to practice law in the Circuit and County Courts of this State, upon the applicants producing in any court where he may desire to practice, a license granted agreeably to the laws of Georgia.

Approved, Dec. 23, 1836.

[No. 24.] AN ACT

To amend an act approved January 9th, 1836, entitled "an act to abolish direct taxation in this State."

Section 1. *Be it enacted by the Senate and House of Represen tatives of the State of Alabama in General Assembly convened*, That the fourth section of the above recited act, shall not be so construed as to authorise the commissioners courts of the several counties of this State, to lay a tax for county purposes exceeding the rate of the State tax, as fixed by an act approved January 10th, 1835, entitled "an act to raise a revenue for the support of government, until otherwise altered by law." *Provided*, the provisions of this act shall not apply to the counties of Pike, Macon, Coosa and Shelby.

Levying tax for county purposes.

Approved, Dec. 23, 1836.

[No. 25.] AN ACT

To amend the several acts now in force to prevent the evil practice of gaming. and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Aldbama in General Assembly convened*, That from and after the passage of this act, if any person of mature

age, shall gamble and bet at cards, dice, bacgammon, billiards, or any other game of hazzard, with a minor or person under twenty one years of age, or suffer any minor to bet at any gaming table, or other device, no matter by what name called, whereby money or any other property or commodity has been won or lost by any minor under the age of twenty-one years, any person so offending shall be fined on conviction of a jury in a sum not less than five hundred dollars and stand in the pillory two hours in each succeeding day for three successive days.

Persons to be fined and to stand in the pillory for betting with minors.

Sec. 2. *And be it further enacted*, That any person of mature age, who may at any time or in any place be found offending against the first section of this act, by betting, gambling and playing with any minor, under the age of twenty-one years, on any game of hazzard, no matter by what name called, whereby money or other thing of value may have been won or lost, such person may be apprehended by any person, and taken before some justice of the peace, whose duty it shall be to inquire into the offence, and if in his opinion said offender be guilty of a violation of the first section of this act, it shall be his duty to return said offender to the next circuit court and require that said offender enter into bond with good security, in such sum as will secure his appearance at said circuit court, and in case said offender shall fail or refuse to enter into bond and security as hereby required, said justice may commit him to the common jail of the county, for safe keeping until such bond shall be executed.

Justice of the Peace to bind over offenders.

Sec. 3. *And be it further enacted*, That it shall be the duty of the several circuit court judges in this State, to give in charge to the grand juries, this act, and all fines incurred under it, shall go, one half into the county treasury, and the other half to the informer.

Circuit judges to give this law in charge to grand juries

Sec. 4. *And be it further enacted*, That on any person being apprehended for a violation of the first section of this act, the witness in such case testifying that in his opinion the appearance of the youth, the offender charged with a violation with, he is under the age of twenty-one, shall be good and sufficient evidence to convict said offender, unless said offender does prove said youth was over the age of twenty-one. Approved, Dec. 23, 1836.

Witness to testify.

[No. 26.] AN ACT

To amend the laws regulating judicial proceedings.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, all original *mesne* and final process, issued from the clerks office of any court in this State, shall be directed "to any sheriff of the State of Alabama," and it shall be the duty of any sheriff or coroner if the case required it, in the State in whose hands any such process shall be placed for service, to execute and return, or to return if it cannot be executed, the same as required by law, when process is directed specially to him: *Provided*, that no bail writ or *ca. sa.* shall be executed on any defendant, who is a freeholder in the State, out of the county of his permanent residence or any adjoining county, unless the plaintiff, his agent or attorney shall first

Process—Sheriff's duty

Proviso.

make affidavit, that the defendant has left the county of his residence for the purpose of avoiding service of such process in the proper county.

Notice to be filed with the clerk.

Sec. 2. *And be it further enacted*, That whenever it becomes necessary to give notice of the taking of a deposition or of ony other purpose, in any cause pending in law or equity in this State, and the opposite party resides out of the county in which such cause is pending, and has no known agent in said county, nor attorney of record in the cause, it shall be held sufficient service of such notice, to file the same with the clerk of the court in which such cause is pending.

Deputy may perform all duties of cl'k.

Sec. 3. *And be it further enacted*, That all deputy clerks of any of the clerks of this State, shall have full power and authority to transact all business in the absence of the principal, which the principal could do were he present, and performed the same himself, first taking an oath to support the constitution and laws of the State, and faithfully to discharge the duties of deputy clerk of the court in which he acts.

Approved, Dec. 23, 1836.

No. 27.] AN ACT

To reduce the minimum price of the unsold portion of the four hundred thousand acres of land given by the Congress of the United States for the purpose of improving the navigation of the Tennessee and Coosa and Black Warrior rivers.

Register to give notice that he will receive entries.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the Register and Receiver of the land office at Courtland, to give public notice in one newspaper published in each of the counties of Franklin, Lauderdale, Limestone, Madison, Morgan and Lawrence, that from and after the 1st day of February next, he will receive entries for the unsold portion of the four hundred thousand acres of land, given by Congress to the State of Alabama, for the improvement of the navigation of the Tennessee and other rivers in said State, at sixty-two and a half cents per acre.

One half of the purchase money in advance.

Sec. 2. *And be it further enacted*, That for all lands sold in pursuance of the directions of this act, the said register and receiver shall require the payment of one half the purchase money in advance and the balance in twelve months, with interest from the date, and in case of failure to pay the second instalment as they severly fall due, it shall be the duty of the said register and receiver, to sell said land for cash.

Conditions of pre-emption.

Sec. 3. *And be it further enacted*, That all persons who cultivated any of said unsold lands in the year 1836, shall be allowed the preference in the entry of eighty acres, to include his improvement, and where two or more persons cultivate the same tract, the preference shall be given to the person who first made an improvement on the same, or those holding under him; which right of entry to the occupant shall be allowed for six months from and after the said first day of February, 1837, when said land shall be subject to entry by any person who may apply for the same.

Sec. 4. *And be it further enacted*, That when application shall be made to enter any of said unsold lands within the time of six

months from and after the said first day of February next, the register and receiver shall require the applicant to shew by the oath of an indifferent person that there is no occupant right to said land. Applicant to shew that there is no occupant right to said land.

Sec. 5. *And be it further enacted*, That on the 1st day of February, 1838, it shall be the duty of the said register and receiver, to give sixty days' notice, in one newspaper published in each of the counties of Franklin, Lauderdale, Limestone, Madison, Morgan, and Lawrence, that on a day to be named in said notice, he will offer for sale, to the highest bidder, all of said lands that may remain unsold at that time, for cash, that said sale shall continue from day to day until the whole of said lands are offered for sale, and that the minimum price of the lands sold at said sale, shall be one cent, and all laws contravening to the provisions of this act, be, and the same are hereby repealed. Notice to be given.

Sec. 6. *And be it further enacted*, That the provisions of this act shall extend to all the said lands that have reverted to the State by forfeiture, non-payment or otherwise.

Approved, Dec. 23, 1836.

No. 25.] AN ACT

Making appropriations for the year one thousand eight hundred and thirty-seven.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums of money be, and the same are hereby appropriated out of any money in the treasury, not otherwise appropriated, to the following persons, and for the following purposes, to wit: for the payment of the salaries for the year one thousand eight hundred and thirty-seven, of the following officers, the following sums—the Governor of the State, the sum of three thousand five hundred dollars; the Secretary of State, the Comptroller of Public Accounts and the State Treasurer, the sum of one thousand dollars each; the Judges of the Supreme Court, the sum of two thousand two hundred and fifty dollars each; to Judges of the Circuit Court, fifteen hundred dollars each; the Judges of the Circuit Court, hereafter to be elected, the sum of two thousand dollars each; the Attorney General, the sum of four hundred and twenty-five dollars; the Solicitor of the first Judicial Circuit, the sum of three hundred and fifty dollars; the several Solicitors of the other Circuits, the sum of two hundred and fifty dollars each; the Quarter Master General of the State, the sum of two hundred dollars; for the pay of the Secretary of the Senate, and the Principal Clerk of the House of Representatives, the sum of seven dollars per day each, during the session, for each day of their service respectively; for the pay of the Assistants of the Secretary of the Senate, and the Engrossing and Assistant Clerks of the House, each, the sum of five dollars per day, during the session, for the time of their service respectively; for the pay of the Door Keeper of the Senate, the Door Keeper and Messenger of the House, the sum of four dollars per day; to the Secretary of State, the sum of three hundred dollars, for indexing the laws, copying the journals of both Houses at the present session, Appropriations.

preparing the whole for the press, and superintending the printing thereof; for the salary for one thousand eight hundred and thirty-seven, of the State Printer, the sum of three thousand dollars.

Sec. 2. *And be it further enacted*, That the sum of three thousand dollars, be and the same is hereby set apart and appropriated to defray the contingent expenses of the State government.

Approved, Dec. 23, 1836.

No. 29] AN ACT

To punish certain offences therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if any person shall willfully and corruptly commit perjury, in any deposition, affidavit or oath, had or taken before any justice of the peace of this State, or any commissioner or other officer appointed by the United States, touching or concerning any claim to any land situated in this State, whereby any person may be defrauded, shall on conviction thereof, be subject to the pains of willful and corrupt perjury. Approved, Dec. 23, 1836.

PRIVATE AND LOCAL LAWS.

No. 1.] AN ACT

To authorise the presiding judge of the first judicial circuit to cause a grand jury to be empannelled for Mobile county.

Judges duty. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the circuit court, now presiding at the circuit court of Mobile county, be and he is hereby authorised to cause a grand jury to be empannelled and sworn, at such time and in such manner as he may deem expedient; which grand jury, so to be empannelled and sworn, shall be fully authorised and competent to present all offences, committed in said county, properly cognizable at the term of said court, now in session.

Approved, Nov. 9, 1836.

[No. 2.] AN ACT

To establish and regulate the rates of pilotage over the Dog river and outer or Mobile Point bar, inthe port of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for the branch pilots, on the Dog river bar, to demand and receive one dollar and fifty cents per foot of actual draft of water, as pilotage, for conducting or piloting each and every vessel over the said bar.

Rate of pilotage over Dog river bar.

Sec. 2. *And be it further enacted*, That the branch pilots on the

outer or Mobile point bar, shall be allowed, in like manner, to demand and receive of all vessels crossing said bar, either returning or departing from the port of Mobile, and on board of which they may be employed as pilots, the following rates, viz: on all vessels drawing not more than ten feet water, two dollars and fifty cents per foot; on all vessels drawing over ten feet, and not exceeding twelve feet water, two dollars and seventy-five cents per foot; on all vessels drawing over twelve feet, and not exceeding fourteen feet water, three dollars per foot; and on all vessels drawing over fourteen feet water, three dollars and fifty cents per foot. Mobile Point bar.

Sec. 3. *And be it further enacted*, That the said branch pilots, both on the Dog river and the Mobile point bar, shall be allowed, and they are hereby authorised to demand and receive, three dollars per day for each and every day they may be detained on board of any small vessel, entering or departing from the said port: *Provided*, said charge for detention, shall in no case include the day on which they may board said vessel. Rates per day

Sec. 4. *And be it further enacted*, That all laws and parts of laws, coming within the meaning and purview of this act, be and the same are hereby repealed. Approved, Nov. 18, 1836. Repeal.

No. 3.] AN ACT

To amend an act approved the 9th of January, 1836, entitled an act to incorporate the Gainesville and Narkeeta Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the third section of the above recited act, as requires the stockholders in said company to meet on the 1st Monday in May, 1836, and which requires the annual election of directors of said company, to be held on the first Monday in May, be and the same is hereby repealed. And that it shall be the duty of the commissioners, named in the second section of the above recited act, or any four or more of them, as soon as may be, after the passage of this act, to cause a general meeting of the stockholders in said company, for the purpose of organizing said rail road company, according to the meaning and intent of the third section of said act, as now amended. 3d section repealed. Commissioners to cause a meeting of the stockholders.

Sec. 2. *And be it further enacted*, That the jury of seven disinterested freeholders, directed by the eighth section of the above recited act, shall be summoned, if practicable, from among those who may reside within the vicinity of the road: *Provided however*, That the lawful holders of certificates of location, or of final payment, issued by any agent of the United States, shall be considered freeholders for this purpose. Jury to be summoned.

Sec. 3. *And be it further enacted*, That the second proviso, contained in the fourteenth section of the above recited act, shall not be so construed as to disable said rail road company from receiving a grant of banking powers, from the State of Mississippi, to be exercised exclusively within the limits of that State: *Provided*, That no branch of any bank that may be established by the State of Mississippi, in connection with, or for the purpose of facilitating Banking privileges.

and completing the construction of said rail road, or of conducting and aiding in carrying on the business thereof, nor any agency of such bank, shall be established, directly or indirectly, within the limits of this State.

To construct a branch rail road.

Sec. 4. *And be it further enacted*, That said rail road company be, and they are hereby authorised to construct a branch rail road from some suitable point on the line of the rail road between Gainesville and Narkeeta, to the Mississippi State line, in the direction of the town of Macon, in the State of Mississippi, with power and privileges for this purpose, equal to those conferred upon said company for the construction of the rail road from Gainesville to said State line, in the direction of Narkeeta.

Company to increase their capital.

Sec. 5. *And be it further enacted*, That for the purpose of constructing said branch rail road, the said company be, and they are hereby authorised to increase their capital, in the same mode by which it was formed, under the above recited act, to any sum not exceeding seven hundred thousand dollars, instead of three hundred thousand dollars, as allowed by the above recited act: *Provided however*, That nothing in this act, shall be so construed as to prohibit the General Assembly, at this or any other subsequent session, from granting a charter for a rail road to and from Fairfield in Pickens county, to the Mississippi line, in the direction of Macon in Mississippi; and that they shall commence said branch rail road within two, and complete it within eight years from the passage of this act, or forfeit the power and privileges granted to them respecting the same. Approved, Nov. 23, 1836

[No. 4.] AN ACT

To amend an act entitled an act concerning Roads and Highways in the counties of Mobile and Baldwin, passed January 9th, 1836

Roads to be laid off in districts,

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court and commissioners of roads and revenues, of Baldwin county, be and they are hereby authorised and required to lay off the several public roads in the said county, into sections and districts, as nearly equal as may be, having due regard to distance and the condition of the road, and to contract for the working on and keeping in repair said roads, by letting out to the lowest bidder, or in such other manner as they may deem most to the interest of said county; and to give at least thirty days' notice of the time and place of letting said contracts, if to the lowest bidder, by causing advertisement thereof to be put up at six or more of the most public places in said county.

Repealing clause.

Sec. 2. *And be it further enacted*, That so much of the above recited act, passed 9th January, 1836, as contravenes the intent and meaning of this act, so far as regards the county of Baldwin, be, and the same is hereby repealed. Approved, Nov. 23, 1836.

[No. 5.] AN ACT

To authorise the Judge of the County Court and Commissioners of Revenue and Roads of Barbour county, to levy a Tax for the building of a Court House in said county.

Section 1. *Be it enacted by the Senate and House of Represen-*

tatives of the State of Alabama in General Assembly convened, That the judge of the county court, and the commissioners of revenue and roads, of Barbour county, and their successors in office, be, and they are hereby authorised, whenever they may deem it expedient, to levy and collect a special tax, not in any one year to exceed one hundred per cent. upon such property and objects as were subject to taxation under an act, entitled an act, to raise a revenue for the support of government, until otherwise altered by law, approved January 10th, 1835, and to continue the same, from year to year, until the fund arising therefrom shall be sufficient to defray the expenses incurred in building a court house in the town of Clayton, in said county of Barbour: *Provided*, That the amount raised shall not in the whole exceed the sum of four thousand dollars. Tax to be levied

Sec. 2. *And be it further enacted*, That the building commissioners, in and for said county, be and they are hereby authorised to contract for the building of said court house, according to the provisions of an act, entitled an act, to organise the county of Barbour, and for other purposes, approved January 11th, 1835. Commissioners to contract for building.

Sec. 3. *And be it further enacted*, That it shall be the duty of the assessor and collector, in and for said county, to pay over to the said building commissioners, all moneys by them collected, according to the foregoing provisions of this act. Tax Collector to pay over monies.

Sec. 4. *And be it further enacted*, That the assessor and collector of taxes, for said county, for the year 1836, be and he is hereby required to pay over to the building commissioners, all money that may be in his hands, and collected by him in anticipation of the existence of the law authorising him to collect a State tax.

Sec. 5. *And be it further enacted*, That it shall be the duty of said building commissioners, to appropriate said money as provided for in the foregoing sections of this act. Commissioners to appropriate monies

Sec. 6. *And be it further enacted*, That the said building commissioners be authorised, and they are hereby required, to appoint a treasurer from their own body, who shall be required to give bond and security, in the sum of eight thousand dollars: which money shall, at all times, be subject to the order of the said building commissioners, or a majority of them. Commissioners to appoint a treasurer.

Sec. 7. *And be it further enacted*, That if default shall be made in the payment of all or any part of the moneys, which may have been collected by the said collector, it shall be lawful for the treasurer of said board of commissioners, in his name as such treasurer, upon motion made at the county or circuit court for said county, to render judgment against the said assessor and collector, and his securities, for the amount due; and such court is hereby authorised and required to give judgment accordingly, and award execution thereon: *Provided*, That said assessor and colletor, and his securities, have ten days' previous notice of such motion. Collector failing to pay over monies treasurer to move against him for judgment.

Approved, Nov. 24, 1836.

No. 6.] AN ACT

To repeal in part an act confirming the collection of debts before a Justice of the Peace in the Beat where the debt was made.

Section 1. *Be it enacted by the Senate and House of Represen*

tatives of the State of Alabama in General Assembly convened, That so much of the above recited act, as it regards the county of Jackson, be, and the same is hereby repealed.

Approved Nov. 24, 1836.

No. 7.] AN ACT

For the relief of Cassandra Kelly.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That Cassandra Kelly, formerly the wife of Christopher Plunket, late of Dallas county, now wife of James W. Kelly, shall henceforth take, have, be invested with, and seized of an estate in fee simple, in all the lands, tenements and heriditaments, whereof her said husband Christopher Plunket died, siezed or possessed, and which were by an act of the last session of the General Assembly, for the relief of Mathew Plunket aforesaid, 9th of January, 1836, vested in said Mathew Plunket: *Provided however*, that the provisions of this act shall not affect the rights of creditors or other persons, and the State of Alabama hereby relinquishes to the said Cassandra Kelly, all interest and right which it may have acquired by escheat, in and to the lands, tenements and hereditiments aforesaid.

Approved, Nov. 24, 1836.

No. 8,] AN ACT

To compensate the Commissioners of Roads and Revenues of Barbour county.

Section 1. *Be it enacted by the Senate and House of Represen tatives of the State of Alabama in General Assembly convened*, That hereafter, the commissioners of roads and revenues for the county of Barbour, shall receive for their services, the sum of one dollar and fifty cents each, for every day they shall attend the commissioners' court, in said county, to be paid out of any money in the county treasury not otherwise appropriated; and the certificate of the clerk of said county shall authorise the county treasurer to pay out the amount certified to be due. Approved, Dec. 7, 1836.

[No. 9.] AN ACT

For the relief of certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, In all cases where it is necessary for George Teague and John Lewis, of the county of Henry; to take or subscribe the oath contemplated by the laws of the State against duelling, be confined in point of time, to the first of November, eighteen hundred and thirty-six.

Approved, Dec. 7, 1836.

No. 10.] AN ACT

To change the name of a certain person therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, that the name of Leonard Pearson, of the county of Walker, be and the same is hereby changed; and that the said Leonard Pearson be hereafter called and

known by the name of Leonard Brown, any law or usage to the contrary notwithstanding. Approved, Dec. 7, 1836.

No, 11.] AN ACT

For the relief of Richard T. Johnson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall not be necessary, in any case, for Richard T. Johnson to take or subscribe the oath or oaths, contemplated by the laws of this State, against duelling, for any act done before the 1st day of January, 1836. Approved, Dec. 7. 1836.

No. 12.] AN ACT

To authorise the Commissioners' Court of Roads and Revenues, for the county of Jackson, to perform certain duties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of roads and revenues, for the county of Jackson, be, and they are hereby authorised to allow the sheriff of Jackson county, such an amount as they may determine to be just and reasonable, for any repairs that he may have had done to the court house of said county, which in the opinion of the said commissioners' court, were necessary and proper for the better convenience and preservation of the said court house, and also for having the said court house surrounded with railing. Compensate sheriff.

Sec. 2. *And be it further enacted,* That the commissioners' court aforesaid, shall be authorised to cause such sum as may be allowed, according to the provisions of the first section of this act, to be paid out of any money in the county treasury, not otherwise appropriated. Approved, Dec. 7, 1836.

No. 13.] AN ACT

To attach all that part of a certain militia Company therein named, to the fourteenth regiment of Alabama militia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that part of Captain William H. Brazil's company, lying within the county of Blount, be, and the same is hereby attached to the fourteenth regiment of Alabama militia. Capt. B's compa

Sec 2. *And be it further enacted,* That the part of this company which lies in the county of Blount, shall hereafter form and constitute one of the companies of the first battalion of the fourteenth regiment of the militia of this State. Approved, Dec. 7, 1836.

[No. 14] AN ACT

To repeal the law now in force, authorising the appointment of Public Weighers in the city of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all acts and parts of acts, now in force, authorising the appointment of public weighers in the city of Mobile, and for fixing the amount of their compensation, be, and the same is hereby repealed. Approved, Dec. 7, 1836

No. 15.] AN ACT

To amend an act to incorporate the town of Livingston, the county seite of Sumter county, approved January 10th, 1835.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the corporate limits of the town of Livingston, in the county of Sumter, shall extend over section thirty-three, in township nineteen, range two west, and the north-east quarter of section four, in township eighteen, and range two west.

Limits extended.

Sec. 2. *And be it further enacted,* That the corporate authorities of the town of Livingston, shall be exercised over the limits herein stated, so far as to drain ponds, clear away obstructions to health and abate nuisances, and no further.

Restrictions.

Approved, Dec. 7, 1836.

No. 16.] AN ACT

To change the time of holding the County Court in Talladega county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county courts in Talladega county, shall hereafter be held on the third Monday in January and July, any law to the contrary notwithstanding.

Approved, Dec. 7, 1836.

[No. 17.] AN ACT

To incorporate the Lafayette Female Academy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and immediately after the passage of this act, the academy now erecting in the town of Lafayette, Chambers county, shall be called and known as the Lafayette Female Academy, and that P. T. Richardson, Uriah Dunn, William L. Crayton, John D. Sanders, Green D. Brantly, Augustus Owens, James H. Foreman Cuthbert G. Hudson, S. J. McMorris, and Thomas K. Smith, and their successors in office, be, and they are hereby declared a body politic and corporate, by the name and style of the Lafayette Female Academy, and as such shall be capable and liable in law to sue and be sued, to plead and be impleaded, and shall be authorised to make such by-laws and regulations as shall be necessary for the government of said female institution: *Provided,* That such by-laws and regulations are not repugnant to the laws and constitution of this State, and for that purpose may have and use a common seal, appoint such officers as they may think proper, and remove the same for improper conduct, or neglect of duty.

Trustees.

Style.

Proviso.

Sec. 2. *And be it further enacted,* That the said Trustees shall be capable of accepting and being invested with all manner of property, real and personal; all donations, gifts, grants, privileges and immunities whatsoever, which may belong to said institution, or which may hereafter be conveyed or transferred to them or their successors in office, to have and to hold the same for the proper use and benefit of said academy

Capacity.

Sec. 3. *And be it further enacted*, That when any vacancy may occur by death, resignation or otherwise, of any of the trustees of the Lafayette Female Academy, the survivors or remaining trustees shall fill the same, in such manner as shall be pointed out by the laws and regulations of said incorporation. Vacancy.

Approved, Dec. 7, 1836.

No. 18.] AN ACT

To incorporate the West Wetumpka Male Academy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an academy be, and the same is hereby incorporated and established, in the town of West Wetumpka, to be styled the West Wetumpka Male Academy, and that William H. Haughton, A. B. Northrop, L. Q. Bradford, Norman Coe, Edmund I. Fielder, John D. Williams, and Alvin A. McWherter, and their successors in office, be, and they are hereby declared to be a body politic and corporate, by the name and style of the West Wetumpka Male Academy; and as such shall be capable and liable in law or in equity to sue and be sued, plead and be impleaded, and shall be authorised to make such by-laws and regulations as shall be neeessary for the government of said academy: *Provided*, Such by-laws are not repugnant to the constitution and laws of this State, and of the United States; and for that purpose, may have and use a common seal, appoint such officers as they may think proper, and remove the same from office for improper conduct or neglect of duty. Trustees. Style. Proviso.

Sec. 2. *And be it further enacted*, That the said body corporate shall be privileged to accept of, and be invested with all manner of property, either real, personal, or mixed; also, all donations, gifts, grants, privileges and immunities whatever, which may be made or granted to said institution, or which may be hereafter conveyed or transferred to them, or their successors in office, to have and to hold the same for the proper use, benefit and behoof of said academy. Privilege.

Sec. 3. *And be it further enacted*, That when any vacancy may occur, by death, resignation or other cause, of any of the trustees of said academy, the survivors or the residue of said trustees shall fill the same in such manner as shall be pointed out by the by-laws and regulations of said incorporation. Vacancy.

Sec. 4. *And be it further enacted*, That all property owned by said trustees in their aforesaid corporate capacity, and for the use and benefit of said academy, shall be, and is hereby declared to be free from taxaton. No tax

Sec. 5. *And be it further enacted*, That a majority of said board of trustees shall be competent to transact all business pertaining to said corporation, and their acts shall be as valid and binding as if the whole board were present. Approved, Dec. 13, 1836. Quorum.

No. 19.] AN ACT

To incorporate the West Wetumpka Female Academy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a female academy be, and the same is hereby incorporated, in the town of West Wetumpka, to be styled the West Wetumpka Female Academy; and that Robert B. Haughton, L. Bryon, James Bradford, James Townsend, John Goulding, Ibery Q. Kidd and A. Crenshaw, and their successors in office, be, and they are hereby incorporated as a body politic and corporate, by the name and style of the West Wetumpka Female Academy; and as such, shall be capable and liable, in law or in equity, to sue and be sued, plead and be impleaded, answer and be answered; and shall be authorised to make such by-laws and regulations as shall or may be necessary for the government of said institution: *Provided*, such by-laws are not repugnant to the constitution of the United States, and of the State of Alabama; and for that purpose may have and use a common seal, appoint such officers as they may deem proper, and remove the same from office for improper conduct or neglect of duty.

Trustees.

Style.

Proviso.

Sec. 2. *And be it further enacted* That the said body corporate shall be privileged to accept of, and be invested with, all manner of property, either real, personal, or mixed; also, all donations, gifts, grants, privileges and immunities whatever, which may be made or granted to said institution, or which may hereafter be conveyed or transferred to them or their successors in office, to have and to hold the same for the proper use, benefit and behoof of said academy.

Privilege.

Sec. 3. *And be it further enacted*, That when any vacancy may occur, by death, resignation, or other cause, of any of the trustees of said academy, the survivors or the residue thereof, shall fill the same in such manner as shall be pointed out by the by-laws of said academy.

Vacancy.

Sec. 4 *And be it further enacted*, That all property owned by said trustees, in their aforesaid corporate capacity, and for the use and benefit of said academy, shall be, and is hereby declared to be free from taxation.

Exemption.

Sec. 5. *And be it further enacted*, That a majority of said board of trustees, shall be competent to transact all business pertaining to said corporation, and their acts shall be as valid and binding as though the whole board were present.

Quorum.

Approved, Dec. 13, 1836.

[No. 20.] AN ACT

For the relief of the purchasers of the sixteenth section of township four, range five west, in the county of Limestone.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the president and directors of the Branch of the Bank of the State of Alabama at Decatur, be, and they are hereby authorised and required to grant the purchasers of the sixteenth section of township

Postponem'nt of certain payments.

four, and range five west, in the county of Limestone, a postponement of two years in the payment, on all bonds given by the purchasers of said section, to secure the payment of the first and second instalments of the purchase money, and one year on all bonds given in like manner to secure the payment of the third instalment of the purchase money, which land was sold agreeably to law, by the commissioners of said township, on the 20th day of February, 1836, which said bonds were made payable to the president and directors, and deposited in said branch bank for collection: *Provided however*, That interest upon each and every one of said bonds shall accrue and be paid annually from the date at which the same would regularly become due and payable; also, that before the time at which the first series of said bonds would regularly fall due, to wit: 20th February, 1837, the securities of the said purchasers aforesaid, shall file with president of the branch at Decatur, their assent in writing, to the postponement above granted, on the payment of all bonds upon which they are securities as aforesaid, any law, usage or custom to the contrary notwithstanding. Approved, Dec. 13, 1836. Proviso.

No. 21] AN ACT

To amend an act approved January 9th, 1836, entitled an act to incorporate the Linden Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the board of directors of the Linden Rail road Company, shall be authorised to commence said rail road at Beckley's Landing, or at any place or landing on the Tombecbee river, between the mouth of Chickasabogue and the mouth of Beaver Creek in the county of Marengo, and extend the same, as before provided for by the act to which this is an amendment. Discretion.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed. Approved, Dec. 13, 1836. Repeal.

[No. 22.] AN ACT

To provide for the assessing and collecting of the taxes of Russell and Chambers counties for the year 1836.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners' court of Chambers county may, at any time during the year 1836, convene for the purpose, and levy the county taxes for said county, for the year 1836. Levy.

Sec. 2. *And be it further enacted*, That the person elected as assessor and tax collector of said county, for the year 1836, shall make the assessment in the month of January, 1837, and return a list thereof to the clerk's office, on or before the first Monday of February, and shall immediately thereafter proceed to collect said taxes, and shall pay over the same to the county treasurer on or before the first day of April, and as much sooner as may be practicable. Time of assessment.

Russell co'ty. Sec. 3. *And be it further enacted*, That all the provisions of this act, shall be extended to the county of Russell; and in case that the person, in either county, who was elected to collect the taxes for 1836, refusing to act, it shall then become the duty of the sheriff of the county to perform the duties as collector, and receive such pay for his services as the collector was entitled to have received.

Approved, Dec. 16, 1836.

No. 23.] AN ACT

To locate permanently the seat of justice for DeKalb county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Nathaniel Malone, Jehu Littlefield, John Cowart, John Gwinn and Reason Rollins, be, and they are hereby appointed commissioners for the county of DeKalb, who, or a majority them, shall have power to select two sites, neither of which shall be further than five miles from the centre of said county: *Provided*, That nothing in this act contained, shall be so construed as to authorise the removal of the seat of justice, for DeKalb county, from the place where it is now located by law, until after the next county and circuit courts shall have been held.

Commissioners their duty.

Sec. 2. *And be it further enacted*, That the said commissioners, or a majority of them, shall have discretionary power to bring on the election for the two sites, which they may select, when a majority of the said commissioners have agreed upon the time of the said election.

Election.

Sec. 3. *And be it further enacted*, That it shall be the duty of said commissioners, after they have agreed upon the time of holding said election, to report to the sheriff of said county, the two sites they shall have selected, particularly describing the same; and it is hereby made the duty of the said sheriff, immediately upon the receipt of said report from the said commissioners, to put up a written notice describing the sites selected, at each of the election precincts in said county.

Notice to be given.

Sec. 4. *And be it further enacted*, That it shall be the duty of the sheriff of said county to hold, or cause to be held, an election at the different precincts in said county, giving at least thirty days' notice thereof, which election shall be conducted in the same manner as that for members of the General Assembly; and the place getting the greatest number of votes, shall be the seat of justice for said county.

How election to be held

Sec. 5. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed. Approved Dec. 16, 1836.

Repeal.

No. 24] AN ACT

To divorce George Teague from his wife Mary Teague.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in accordance with a decree of the circuit court of the county

of Henry, exercising chancery jurisdiction, pronounced and entered at the fall term of said court, in the year 1836. the bonds of matrimony heretofore solemnised and subsisting between George Teague and Mary Teague, be and the same are hereby dissolved and made void; and that the said George Teague be henceforth divorced from his said wife Mary Teague. Approved, Dec. 16, 1836.

No. 25,] AN ACT

To divorce Hugh G. Bright from his wife Cyntha Bright.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in accordance with a decree of the circuit court of Henry county, exercising chancery jurisdiction, pronounced and entered at the spring term of said court, in the year 1836, the bonds of matrimony heretofore solemnised and subsisting between Hugh G. Bright and his wife Cyntha Bright, be, and the same are hereby dissolved; and that the said Hugh G. Bright be henceforth divorced from his said wife Cyntha Bright. Approved, Dec. 16, 1836.

No. 26.] AN ACT

To compensate the Commissioners of Roads and Revenues in the county therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, the commissioners of roads and revenues, of the county of Bibb, shall receive for their services the sum of two dollars each, for every day they shall attend the commissioners' court of said county, to be paid out of any money in the treasury of the county, not otherwise appropriated, and that the certificate of the clerk of the county court of said county, shall authorise the treasurer to pay the amount certified to be due: *Provided,* That nothing in this act contained, shall render any such commissioner ineligible to any other office of honor or profit in the county of Bibb.

Approved, Dec. 16, 1836.

[No. 27.] AN ACT

To provide for the payment of Commissioners of Revenues and Roads in the county of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, the commissioners of revenues and roads, in the county of Pickens, shall each receive the sum of two dollars per day, for each and every day they shall attend any court of commissioners of revenues and roads in said county, to be paid out of the treasury of said county, on the certificate of the clerk of the county court of said county, stating the number of days such commissioner shall have attended said commissioners' court, and the sum which he shall be entitled to receive therefor: *Provided,* That nothing in this act contained shall render any such commissioner ineligible to any other office of honor or profit in the said county of Pickens.

Approved, Dec. 16, 1836.

No. 28] AN ACT

For the relief of Theodorus W. Brevard

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Theodorus W. Brevard be allowed the sum of seven hundred and fifty dollars, to be paid out of any money in the treasury not otherwise appropriated; it being one half the value of a negro man slave by the name of Newton, executed by the sheriff of Montgomery county, on the fifth day of February last past, in pursuance of the sentence of the court, and that the comptroller be authorized to issue his warrant for the same. Approved, Dec. 17, 1836.

No. 29] AN ACT

For the relief of Thomas J. Couch.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas J Couch be allowed the sum of five hundred dollars, to be paid out of any money in the treasury not otherwise appropriated, it being one half the value of a negro man slave by the name of Charles, executed by the sheriff of Madison county, on the 22d day of July last past, in pursuance of the sentence of the court, and that the comptroller be authorized to issue his warrant for the same. Approved, Dec. 17, 1836.

No. 30] AN ACT

To refund to Hosea Holcombe late Tax Collector of Jefferson county, a certain sum of money.

Section 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of one hunedrd and twelve dollars and fifty cents, be, and the same is hereby appropriated to Hosea Holcombe, late tax collector of Jefferson county, being the amount actually expended by said Holcombe in defending certain suits brought against him as tax collector as aforesaid, in the discharge o his official duties.

Sec 2. *And be it further enacted* That said sum be paid out of any money in the treasury, not otherwise appropriated, upon the order of said Hosea Holcombe.

Approved, Dec. 17, 1836.

No. 31.] AN ACT

To establish a new beat in the County of Dallas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, that all that part of the county of Dallas, lying in the following bounds, shall constitute a separate and distinct beat, attached to Colonel Barne's regiment, to wit: beginning at Bower's ferry on the Alabama river, running thence with Tarver's ferry old road, to Wilcox county line, thence with said line to Cedar creek, thence with said creek to the Alabama river, thence with said river to Bower's ferry.

Boundary.

Sec. 2. *And be it further enacted*, That it shall be the duty of

the proper officer, to order an election for all officers necessary in said beat, and the place of mustering shall be designated by vote of the persons compelled to perform militia duty in said beat.

Approved, Dec. 17, 1836.

No. 32.] AN ACT

To incorporate the Eagle Rail Road and Lumber Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the persons who may become stockholders in the Eagle rail road and lumber company, according to the provisions of this act, shall be, and they are hereby created a corporation and body politic, by the name and style of the president and directors of the Eagle rail road and lumber company, and by that name and style shall be, and they are hereby made able and capable in law to have, purchase, receive, possess, enjoy and realise to them and their successors and assigns, lands, rents, tenaments, hereditaments, goods, chattels and effects of whatever kind, nature or quality, in any amount not exceeding in the whole five hundred thousand dollars, including the capital stock of the said company, and the same to sell, grant, demise, alien, lease or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having competent jurisdiction; and also, to make, have and use, a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put in execution, such by-laws, ordinances and resolutions, as they may deem necessary and convenient for the good government of said corporation, not being contrary to the constitution or laws of this State, or of the United States, and generally to do and execute all and singular the acts matters and things, which to them may appertain to do, subject nevertheless to the rules, limitations and provisions hereafter prescribed and declared. Name & style

Sec. 2. *And be it further enacted*, That William F. Cleaveland, Jacob Baptiste, William Crothers, James Campbell, James F. Roberts, Henderson Kinney, John F. Everitt, William De Forest, Holley and Sterling Thrower, be, and they are hereby appointed commissioners, any five of whom shall be competent to act and to do all business necessary to be done, by virtue of this act of incorporation; and under the direction of whom subscriptions may be received to the capital stock of said Eagle rail road and lumber company, and they shall from time to time cause books to be opened in the city of Mobile, and at such other places as they may think proper, for the purpose of receiving subscriptions to the capital stock of said company, until not less than one thousand five hundred shares be subscribed; and shall give not less than twenty days notice of the time and place of opening said books, and the subscribers thereto shall pay to the said commissioners, at the time of subscribing, the sum of ten dollars on each and every share of stock thus subscribed for. Commissioners appointed.

Sec. 3. *And be it further enacted*, That the stock of said corporation shall be divided into shares of one hundred dollars each, transferrable by indorsement, and entry thereof in the books of the said company, under such rules and regulations as the president and directors shall establish by their by-laws; and the holder thereof shall be entitled to all the benefits, and subject to all the liabilities of an original stockholder. Stock to be divided.

Sec. 4. *And be it further enacted*, That as soon as one thousand five dol- hundred shares of said capital stock shall have been subscribed, the said

commissioners empowered to act as aforesaid, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least thirty days public notice thereof; and at such meeting, the said commissioners shall lay the subscription books before the subscribers then and there present; and thereupon, the said subscribers, or a majority of them in value, then and there present, personally or by proxy, shall elect thirteen directors, to manage the affairs of the said company, who shall be the owners of at least twenty shares each; and the directors thus chosen shall, at their first meeting, elect from among themselves a president of said company, and in said election, and on all other occasions whenever a vote of stockholders of said company shall be necessary to be taken, each stockholder shall be allowed one vote, to be given personally or by proxy, for every share owned by him or her; and the said president and directors, elected under this section, shall hold their offices until the first Monday in January thereafter, and until their successors shall be duly elected and qualified.

President and Diectors to be elected.

Sec. 5. *And be it further enacted*, That the president and directors of said company, shall thereafter be elected annually, on the first Monday in January, in the city of Mobile, in the manner prescribed in the foregoing sections; and if any vacancy shall occur by death, resignation, or refusal to act, of any president or director, before the expiration of the time for which they were elected, such vacancy shall be filled, for the balance of such time, by the president and directors in office, or a majority of them; and the said president and directors shall hold and exercise their office until their successors are chosen and qualified; and all elections which are by this act, or by the by-laws of said company, to be made on a certain day, or at a particular time, if not made on such day, or at such time, may be made within thirty days thereafter.

Oath.

Sec. 6. *And be it further enacted*, That every president or director of said company, before he acts as such, shall swear, (or affirm, as the case may be) that he will well and truly discharge the duties of said office, to the best of his skill and judgment.

To open books

Sec. 7. *And be it further enacted*, That the president and directors, of the said company, after they shall have been organised, may as often as they shall deem it for the welfare of the corporation, on giving thirty days notice thereof, proceed to open books for further subscriptions of stock at such place as they may think fit; and they may, at their discretion, continue to receive subscriptions for capital stock, until the amount taken, be equal to four thousand shares, when no further subscription for stock shall be received, unless the same shall be authorised by a majority of the stockholders in amount, at some called meeting; and the amount of such increase to the capital stock, shall be by them particularly designated.

Power to contract debts.

Sec. 8. *And be it further enacted*, That the president and directors of said company, shall have power to borrow money, contract debts and be contracted with, upon the credit of the stock of the said company, and to issue certificates, or other evidences of such loans, and to provide for the payment of interest on the same, and to pledge the personal and real estate of said company, for the payment of its debts and loans; and they shall have power to require payment of the stock subscribers in such instalments as they may deem for the interest of the said company; and if any subscriber of stock in said company, shall fail to pay his instalment, as required by the said president and directors, they the said president and directors shall have power to declare such shares forfeited to the company, and after giving thirty days public notice, to offer them for sale, at public auction, for ready mo-

ney, or so much as will be sufficient to pay the amount due and called in; and a sale thus made, shall vest the purchaser with all the rights of the original holder, but shall not release such holder from the payment of any balance that may be due on his subscription, should the stock sold produce less than the whole amount subscribed therefor; and should the money called in be paid before a sale actually takes place, together with the cost incurred preparatory to the said sale, it shall restore the stock to the original holder, notwithstanding the forfeiture; and the stock of the said company shall be deemed and considered in law as personal property.

Sec. 9. *And be it further enacted*, That on the first Monday of May, in every year, it shall be the duty of the said president and directors, or of those then in office, to exhibit a clear and distinct statement of the affairs of the company, for the information of the stockholders, and each and every one of them, personally or by proxy, is hereby fully authorised and impowered to inspect, and thoroughly examine the same. **To exhibit statement.**

Sec. 10. *And be it further enacted*, That the said president and directors shall have the power to call meetings of the stockholders, at any time, stating in the call the business to be done; and no other shall be transacted at such called meeting; and a majority of the stockholders in value of stock, may also themselves, or by their proxies, at any time, call meetings of the said stockholders, on giving thirty days public notice thereof, and at such called meeting, a majority of the stockholders in value, shall have power to remove any president, or any of the directors, and elect others in their stead. **To call meetings.**

Sec. 11. *And be it further enacted*, That the president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary for the transaction of the business of said company, and may remove any of them at their pleasure, and a majority of them, shall have power to establish the compensation of the president for his services, and to determine by contract, the compensation for all engineers, officers, and servants, in the employ of said company.

Sec. 12. *And be it further enacted*, That the said president and directors, and their successors in office, shall be, and they are hereby invested with all the rights and powers necessary to the construction, establishment and repair of a railroad, with one or more sets of tracks, or rails, from any part of the city of Mobile, as may be judged by the said president and directors most advisable and expedient, to any point on the Mississippi State line, in the county of Mobile, that may be selected or determined upon by said company; also, at any point or points on the line of said railroad, when the same shall have been located and established, within the limits of the State of Alabama, to construct, erect, establish, preserve, and keep in repair, such places of depot, and other proper and necessary buildings and edifices, bulk heads, break waters and wharves, as may be necessary and convenient for the business of said corporation; and as the said president and directors, and their successors in office, may at any time, and from time to time, deem and judge necessary, proper and expedient, for the convenience, protection and security of the business of the said railroad, in loading and unloading of cars, and in loading and discharging of ships and vessels in Mobile bay or river, and of such vessels or crafts as may be desirous of loading or discharging, at or near the end of said railroad, in the city of Mobile, or its vicinity. **To establish railroad to Mississippi line** **President and directors to contract for conveyance.**

Sec. 13. *And be it further enacted*, That the said president and directors shall be authorized to contract for and receive conveyances of any land, stone, gravel, timber or other materials, necessary for the use and construction of the said rail road, and when the owner and the said president and direc-

tors cannot agree, or the owner thereof be an infant, non-resident or non-compos mentis, where the owner of such land is unknown to the said president and directors, then and in either and every such case, it shall be lawful for the said president and directors to apply to the judge of the county court of Mobile county, and on such application, it shall be the duty of the said judges forthwith to issue a warrant under his hand and seal, directed to the sheriff of said county commanding him to summons the owner of such lands or materials, if to be found in said county, and if not to be found in said county or is unknown, or the said lands are public lands, then to cause the said summons to be published in the newspapers printed in the city of Mobile, for thirty days previously to the return thereof, which publication thereof, as aforesaid, shall be deemed and taken as equivolent to a personal service thereof; and also to summon a jury of twelve disinterested freeholders, to appear before him, at the court house of said county, at a time not exceeding ten days from the issuance of said precept, whose duty it shall be to assess the value of the land or materials required; and in the case of lands, they shall in the same assessment, assess the damages thst the owner thereof may sustain by reason of the land being so taken for the use of the said road, and in all assessments of value and damages, under this act, the jury shall take into consideration the advantages the defendant or defendants may derive from said road, and render their verdict accordingly; and it shall be the duty of the judge before whom the assessment is so made to make a record thereof and return the same to the clerk of the circuit court for said county, and the said clerk shall enter the same as a case, on the trial docket of said court at the next term succeeding the return thereof, and on motion, if no objection is made, the same shall be affirmed and judgment thereof be entered as in other cases, and if said motion be resisted, and sufficient cause in law be shewn for setting aside said assessment, then judgment thereof, shall be entered and the court shall forthwith order an issue to be made, between the parties to try the same matter, and the parties shall proceed thereon *de novo*, and at the same term of the court, unless sufficient cause be shewn by either party, for the continuance thereof, and that the judgment of the circuit court when for the complainant shall be that the land in question, or the materials, as the case may be, is condemned to the use of the president and directors of the said rail road company, and that the said company shall pay to the defendant such sum, together with costs as may be found by the jury to be a reasonable and proper compensation, and the same shall become vested in the said company forever; and in all cases of final judgment, the party aggrieved shall have his writ of error as in other cases, *Provided*, that the work shall in no ways be delayed by any preceedings had in the premises after the judgment shall return to the clerk of the circuit court, the assessment of the jury by him convened; but the president and directors tendering the sum so assessed to the owner, or on depositing the amount for the use of the owner or owners with the clerk of the said circuit court, may proceed with the work as upon final judgment in favor of said claim; and in case of tender as aforesaid, and acceptance thereof, such acceptance shall be considered as a release of all errors in the proceedings, and the circuit court shall on suggestion enquire thereof and give judgment accordingly.

To let to contract.

Sec. 14. *And be it further enacted*, That the said president and directors after having had the tracts upon which the said rail road is to run, surveyed and selected, may proceed to let the same to contract, and the said road or roads, with all the works, improvements and machinery, for transportation used on said roads, are hereby vested in said company and their successors.

Sec. 15. *And be it further enacted*, That in case any person shall willfully injure or obstruct, in any degree, the said road or roads, or any of the machinery connected therewith, and necessary for the use thereof, or any of its locomotives or cars or of its appendages and appurtenances, by this act authorised to be constructed, built, erected or established, he shall forfeit and pay to the president and directors of said company, for the use of the said company, three times the amount of all damages which they may sustain, in consequence thereof, to be sued for and recovered in the same manner as provided by law for individuals in like cases, and on complaint made to any magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind over the person or persons so offending, with sufficient security for his or their good behavioer, for a term not less than one year, and such offenders shall also be subject to indictment, and shall be sentenced on conviction, at the discretion of the court, to be imprisoned for a period not exceeding eighteen months.

Not to remove dwelling houses.

Sec. 16. *And be it further enacted*, That the said president and directors in surveying or locating the route of said road, shall not have power to remove any dwelling house without the consent of the owner thereof, nor shall they obstruct any highway without the express assent of the duly constituted authorities, having power and authority over the same; but shall provide suitable and convenient ways for crossing said roads, they shall in no way exercise banking privileges, and they shall begin the said rail road within two years from the passage of this act, and complete the same within five years, or forfeit the charter hereby granted.

To collect toll

Sec. 17. *And be it further enacted*, That after the completion of the said road, or any part thereof the said president and directors may lay and collect reasonable toll from all persons, goods, merchandise or other commodities transported thereon, and on goods, wares and merchandise, discharged upon their wharves, bulkhead or break water, or upon the ships or vessels of the same, the current rates of wharfage, which shall be charged for similar uses or services at the wharves in the city of Mobile.

To declare dividend.

Sec. 18. *And be it further enacted*, That the said president and directors shall annually or sem-annually declare and make dividends of the profits accruing to the said company after deducting therefrom such sums as they may think sufficient for the current and contingent expenses of the company and they shall divide the same among the proprietors of the stock in proportion to their respective shares. *And provided also*, that the said company shall be allowed the right for fifty years, from the commencement of the said rail road, and works from the city of Mobile, or its vicinity, to the Mississippi State line: as herein before expressed, of using said rail road and locomotive engines between the places aforesaid. *And provided also*, that at the expiration of the said fifty years, the State of Alabama shall be authorized to take the whole of said stock, as the property of the State, upon the payment of the actual value of the stock of said companyto the said president and directors, to be by them paid over to the stockholders, in proportion to their respective shares.

To exercise power.

Sec. 19. *And be it further enacted*, That the said Eagle Rail Road and Lumber Company, are hereby authorized to receive and enjoy such powers and privileges as may be granted or conferred upon it by the State of Mississippi, the same to be exercised exclusively in that State, with the view, and to the end, that the said rail road be extended into, and within the limits of the said State of Mississippi.

Approved, Dec. 17, 1836.

No. 33] AN ACT

To incorporate the Mobile and New Orleans Railroad Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Benjamin Vincent, Edward Harding, William H. Chase, Abner S. Lipscomb, Joseph Swiler, J. B. Earle, Henry Center, and their associates and successors, be, and they are hereby constituted and made a body politic and corporate, under the name of the Mobile and New Orleans Railroad Company, and by that name shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered, in suits in all courts having competent jurisdiction, and may have and use a common seal, and the same to break, alter and renew, at pleasure, and shall be vested with all powers and privileges necessary to the object of their incorporation, as hereafter defined and limited.

Mobile and New Orleans railroad company.

Sec. 2. *And be it further enacted,* That the said company shall have power to construct a railroad, with as many ways as they may deem proper, from the city of Mobile to Vincent's harbor in Grand Bay, and to place on the same all machines, locomotives, vehicles, cars or carriages, of any description whatever, which they may deem necessary or proper for the transportation, on the said road, of goods, produce, merchandize, or other property, and passengers, at such rates as the company shall think proper to fix.

To construct a railroad.

Sec. 3. *And be it further enacted,* That the said company shall have power to contract for, and receive conveyances of any lands, stone, gravel or other materials henceforth, which may be necessary and required in the construction of the said railroad, or in the construction of piers, docks and depots connected with it; and when the owner or owners cannot agree on the price, or when the owner is an infant or lunatic, or incapable in law from any cause of contracting, then it shall be lawful for the said company to apply to any justice of the peace for a warrant, directed to the sheriff of the county, commanding him to summons a jury of seven disinterested freeholders, a majority of whom shall be authorised to assess the damages, under the same rules and regulations now established by law in cases of other roads; and the said jury shall forthwith assess the value of the said land, stone, or gravel, or other materials, subject to the right of an appeal to the circuit court, by either party who shall think themselves agrieved, and the trial on such appeal shall be *de novo,* as in other cases; and the assessment so made shall be final, and the land, stone, gravel, or other materials, so contracted for or condemned, shall enure to the said company, upon the payment of the money to the person contracted with, or into court, as the case may be; and the proceedings shall be entered of record in the said court, at the cost of the company: *Provided however,* That the said work shall in no wise be delayed, on account of any appeal or other proceedings as aforesaid: but the said company, on tendering the amount to which the land, stone, gravel or other material, shall have been valued, to the owner, or depositing the same in the office of the clerk of the court to which the appeal has been taken, may proceed with the said work as if there had been no appeal.

To contract for & receive conveyances.

Capital stock.

Sec. 4. *And be it further enacted,* That the capital stock of the said company, shall be five hundred thousand dollars, in five thousand shares of one hundred dollars each.

Sec. 5. *And be it further enacted,* That the said Benjamin Vincent, Edward Harding, William H. Chase, Abner S. Lipscomb, Joseph Swiler, J. B. Earle and Henry Center, or a majority of them, shall cause books to be opened, at such times and places as they may think proper, for the purpose

To cause books to be opened.

of receiving subscriptions to the capital stock of said company; and as soon as three hundred thousand dollars of the said capital stock shall have been subscribed for, it shall be the duty of the persons aforesaid, to notify the subscribers for the said stock, by publication in one or more newspapers, published in Mobile and New Orleans, for thirty days, to meet at such time and place as in such notice they may direct, to elect ten persons from among the subscribers, to constitute a board of directors, for conducting and managing the affairs of the company, and exercising its corparate powers and privileges, who shall, as soon as they are elected, choose a president from among their own number, to preside over their own meetings.

To fill vacancies.

Sec. 6. *And be it further enacted*, That the said president and directors, shall fill all vacancies that shall from time to time happen, by death, resignation, or otherwise.

No person but stockholders to be a director.

Sec. 7. *And be it further enacted*, That no person who is not a stockholder in his own right, shall be a director; and should any director transfer, at any time, all of his stock, such director shall from that time, cease to be a director; and it shall be the duty of the remaining directors to proceed to fill the vacancy so created.

Ten per cent of stock to be paid in

Sec. 8. *And be it further enacted*, That ten per cent. on the amount of each share, of the capital stock of the said company, shall be paid at the time of subscribing for the same, and the balance shall be called in, at such times and in such instalments as the president and directors may determine, they giving at least thirty days notice by publication in one or more newspapers published in the city of Mobile, and in New Orleans, of the amount required to be paid, and the time and place of such payment.

Penalty.

Sec. 9. *And be it further enacted*, That the failure to pay such instalments on the said stock, at the time and place required as aforesaid, shall amount to a forfeiture of the stock on which such payment was required, and a forfeiture of the amount paid, which forfeiture shall ennure to the company.

To make by-laws.

Sec. 10. *And be it further enacted*, That the said president and directors shall have power to make and ordain all such by-laws and regulations, not inconsistent with the laws of the State nor of the United States, as shall be necessary to the ordering and well conducting the affairs of the company.

To contract for the loan of money.

Sec. 11. *And be it further enacted*, That the said president and directors, shall have power to contract, on behalf of the company, for a loan of money, or make any other moneyed contract not exceeding the amount of the capital stock actually paid in, or secured to be paid in; and for the security of the repayment of the principal, and the interest thereon, of any sum or sums of money which may be loaned or advanced, to the said company, the said president and directors may, and they are hereby authorised, to pledge the whole of the tolls and revenues of the said company, and all its estate, real personal and mixed, by mortgage, to any person or persons, by them selected, in trust for the benefit and security of all and every person or persons whatsoever, lending or advancing such sum or sums of money; or by such other mode of effecting such security, as the said president and directors may approve.

Approved, Dec. 17, 1836.

No. 34.]

AN ACT

For the relief of the heirs of John Lawler, deceased.

Section 1. *Be it enacted by the Senate and House of Reprepresentatives of the State of Alabama in General Assembly convened*, That the legal representatives of the estate of John Lawler, deceased, shall be entitled to the

sum of four hundred dollars, being half of the value of a negro man slave, belonging to said Lawler in his life time, who was executed under the laws of this State, for a capital offence; to be paid out of any money in the treasury, not otherwise appropriated. Approved, Dec. 17, 1836.

No. 35] AN ACT

For the establishment of Schools in the County of Mobile and to provide a fund for the maintainence of the same.

Board of commissioners.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a board of commirsioners by the name and style of the "Mobile School Commissioners," be, and the same is hereby established in the county of Mobile, who shall have power and authority to establish and regulate schools and to divise, put in force and execute such plans and devises for the increase of knowledge, educating youth and promoting the cause of learning in said county, as to them may appear expedient.

Lands under control of commissioners.

Sec. 2. *And be it further enacted,* That all lands granted and immunities already conferred, or which may hereafter be conferred on the inhabitants of said county or any city, town or township therein, for purposes of education, either by the United States, this State or otherwise, shall be, and the same are hereby placed under the direction, management and control of said commissioners. *Provided,* that nothing herein contained, shall empower said commissioners to appropriate any of the funds arrising from the sixteenth sections, to any other purpose than the support of schools in the township in which such sixteenth section may be situation.

Commissioners to act until August, 1836.

Sec. 3. *And be it further enacted,* That the present or existing board of "Mobile School Commissioners," shall continue to act, and they are hereby invested with all the rights, powers and privileges which are by this act conferred upon the "Mobile School Commissioners" hereby established, and none other, until the first Monday in August, A. D. 1837.

Number of members.

Sec. 4. *And be it further enacted,* That from and after the said first Monday in August, A. D. 1837, the said board of "Mobile School Commissioners" shall consist of thirteen members, to be elected by the qualified electors of Mobile county, on the first Monday in August, in the year A. D. 1837; at the same places, and in the same manner, as members of the general assembly; and tri-annually thereafter. *Provided,* that if any vacancy shall occur in said board by death, resignation or refusal to act, the said board may eleet a successor, to fill said vacancy, and the person so elected, may exercise and perform the duties of commissioner as aforesaid, until the first Monday in August, then next ensuing. *And provided further,* that in all cases, the then existing board may continue to act until their successors shall be duly qualified.

Te elect a President and Vice President.

Sec. 5. *And be it further enacted,* That the said board shall elect from their own body, a president and vice president, either one of whom may preside at all regular or called meetings of the board; and in the absence of whom, the members present, may appoint one of themselves to act as president *pro tem.* *Provided always,* that a quorum shall be present, and that no business involving the appropriation of money shall at any time be transacted, unless the president or vice president shall be present and no compensation shall be allowed to the said president or vice president for their services.

To elect a Secretary.

Sec. 6. *And be it further enacted,* That the said board shall elect some suitable person as secretary to the said board, whose duty it shall be to attend all meetings of the board, and to transcribe, in a well bound book, prepared for the purpose, a true and faithful record of all the acts and procee-

dings of said board and shall furnish a true and exact copy thereof, for publication to such printer in the city of Mobile, as may be designated by the board for that purpose, on the day next ensuing each and every meeting of the board, and the said secretary shall make out and certify, true and detailed quarterly statements of all monies received, and from what source, exhibiting the debts and credits of said board, which statement shall be published within the first five days in January, April, July and October, in each and every year.

Board to appoint collect'r

Sec. 7. *And be it further enacted*, That the said board shall also appoint a collector, and allow him such compensation for his services, as they may deem expedient, and the said collector shall enter into such bonds as the said commissioners may direct, and shall perform such duties and be clothed with such powers as may be hereinafter enacted and defined.

To put in force by-laws

Sec. 8. *And be it further enacted*, That the said board shall have power to make and put in force such by-laws and regulations not inconsistent with the laws of this State, or of the United States, as to them may appear expedient, and the same to revoke and alter and to prosecute all suits and actions in their corporate capacity and name, in the same manner as private persons.

Levy a school tax.

Sec. 9. *And be it further enacted*, That it shall be the duty of the county court of said county, annually, at the time they shall levy the county tax, also to levy a school tax, equal in amount, to one fourth of the county tax, and also a tax of one per cent on all *actual* sales of real estate, slaves, horses, and mules, which may be offered and sold at auction in said county, and the one half of one per cent on each and all of the said above enumerated objects of taxation, which may be offered for sale at auction, and not sold, and in all such cases the highest bid cried by the auctioneer, shall govern the said tax; on all theatrical or equestrian exhibitions, one hundred dollars for each and every license; and on all other representations, exhibitions, shows, or sports for public amusement, not less than twenty dollars for each license.

Fund.

Sec. 10. *And be it further enacted*, That the revenues arising or accruing to the said county from fines, penalties and forfeitures, together with the tax fee of two dollars on all suits in the circuit and county courts, be, and the same are hereby appropriated and set apart as a special fund for the support of schools in said county of Mobile, under the direction and management of said commissioners, and it is hereby made the duty of the clerk of the circuit court and the clerk of the county court, to pay over all monies by this section, appropriated and set apart into the hands of the collector of said board of commissioners, semi-annually, taking his receipt for the same.

To [illegible] co[illegible]

Sec. 11. *And be it further enacted*, That it shall be the duty of the said bord of commissioners, and they are hereby required to appoint quarterly, a committee of three discreet members from their own body, to examine the books of all auctioneers in said county, so far as relates to said objects of taxation, herein enumerated. and a true and faithful return thereof, to make to the said board at the first regular or stated meeting thereafter, and if any auctioneer or auctioneers shall refuse to submit his or their books to the inspection of the said committee, he or they shall forfeit his or their license, to sell goods, wares and merchandise or other property by auction, and shall not again be elligible to hold the said office or appointment, and it shall also be the duty of the said committee, to report to the county court at their session for county purposes, all such violation and infractions of the provisions of this act, and particularly of the eleventh section thereof, as may become known to them. *Provided*, that the clerk of the circuit court shall retai[illegible]

and pay over out of fines and forfeitures, and tax fees on writs, a sufficient sum, to pay witnesses on the part of the State, and others entitled by law to fees in State cases.

Collector to be appointed.

Sec. 12. *And be it further enacted*, That it shall be the duty of the collector to be appointed, under the provision of this act to attend all auction sales and as far as may be practicable, note the amount of all sales of preperty. subjected by this act to taxation, and also note the highest bid for property offered and not sold, and it shall also be his duty, and he is hereby required, from time to time, to take or receive on oath, a return of the sales of the different auctioneers, of the amount of property by them sold and offered for sale, which is by this act, subject to taxation, and the said collector may in all cases, when doubts arise, require any auctioneer or auctioneers, to exhibit his or their books for examination, and in case of refusal on the part of the said auctioneer or auctioneers, to subject his or their books to the inspection of the said collector, or shall refuse or neglect to pay the several amounts of taxes herein provided for, then, and in that case, the said collector shall make his own assessment, which shall in all such cases be double the suppose amount, and shall be collected by execution, to be signed by the president and countersigned by the secretary of the said board of commissioners, and by the said collector, levied on the goods and chattles of such delinquents, auctioneer or auntioneers, which said goods and chattles shall be sold by said collector, at the court house, between the hours of 12 o'clock M. and four o'clock, P. M. to the highest bidder for cash, ten days public notice having been given in some newspaper printed in Mobile, and the proceeds of said sale, after paying the taxes due, together with all incidental expenses, shall be paid over to the owner or owners of the property sold.

Oath.

Sec. 13. *And be it further enacted*, That each and every member of the said board of school commissions, their secretary and collector, shall before entering upon the discharge of their duties, take an oath or affirmation, to be administered by any judge or justice of the peace, faithfully, impartially and diligently to do and perform all the duties according to the requirements of this act, to the best of their knowledge, skill and ability, without favor, partiality or affection; and the said board are hereby authorised to grant such compensation to their secretary for his services, as they may deem expedient and proper.

Lottery authorised.

Sec. 14. *And be it further enacted*, That the said commissioners shall have power and authority to raise by lottery, in one or more classes, upon such scheme as they may devise, and in such manner and form as they may think proper, any sum of money not exceeding fifty thousand dollars, for the purpose of finishing the academy buildings, now erecting under the direction of the present board of "Mobile School Commissioners," enclosing the same with an iron fence, constructing side walks and otherwise embelishing in a suitable and proper manner, the square or lot of ground, in the city of Mobile on which said academy building is now erecting.

Revenue, by whom collected.

Sec. 15. *And be it further enacted*, That the revenue accruing to the said school fund, from the tax of one fourth of the amount of the county tax, shall be collected by the person authorised to collect the county tax, at the same time and in the same manner as the county tax, and same to pay over when collected, to the collector of said board, taking his receipt for the same, but all other taxes or monies herein specified and appropriated, shall be collected by the collector of said board, who shall in all cases, be invested with the same powers, privileges and remdies as a tax collector general-

ly, and the said collector shall pay over to the president of the board, all monies, which he may receive or collect, taking his receipt for the same, and the said president shall deposite all monies so paid over to him, in one of the banks of the city of Mobile, to the credit of the "Mobile School Commissioners," and the same shall be checked for, only by the president, by order of the board, and the said president shall report to the board, all monies so receive or deposited at the succeeding meeting of the board.

Co't to make allowance.

Sec. 16. *And be it further enacted*, That the said commissioners shall, and they are hereby required to make from time time, a suitable and proper allowance, or appropriation of their funds, for the establishment and maintenance of schools in each company beat in said county, without the limits of the city of Mobile, and to employ and dismiss teachers for the same at their discretion.

Repeal.

Sec. 17. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, or any part thereof, be, and the same are hereby repealed. Approved, Dec. 19, 1836.

No. 36.] AN ACT.

For the relief of Ann M. Smith.

To be a free dealer.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of January, one thousand eight hundred and thisty-seven, Ann M. Smith, wife of Edward Smith of the town of Tuscaloosa, in this State, shall be deemed, held and considered a free dealer, and as such, enabled to carry on trade and business in her own name and on her own seperate and individual responsibility; and further, that the said Ann M. Smith, may contract and be contracted with. sue and be sued in her own name, and in general acquire, hold, use and enjoy, in her own right and property, real and personal estate, and the same may dispose of either by gift, grant or last will and testament.

Exeemption.

Sec. 2. *And be it further enacted*, That the enjoyments of the rights and abilities by this act conferred on the said Ann M. Smith, shall be secured to her by exempting all property by the sai dAnn, from and after the date aforesaid, from the payment of all debts contracts by her said husband, as well as such as have been heretofore, as may thereafter be contracted, and the same is hereby declared to be exempted from the payment of the debts of the said Edward Smith. Approved, Dec. 20, 1836.

No. 37] AN ACT

For the relief of the heirs of William Quigly, deceased, and Thomas G. Newbold.

Section 1. *Be it enacted by the Senate and House of Repres entatives of the State of Alabama in General Assembly convened*, That Eliza Quigly, widow and administratrix, of William Quigly, late of Mobile county, deceased, be, and she is hereby authorised to convey by deed, certain lots or parts of lots, belonging to the estate of the said William Quigly, in the town of Jackson, in said county, to Thomas G. Newbold, on his making or executing a deed or deeds of certain lots or parts of lots, equal in quantity or value, to such as may be conveyed by the said Eliza Quigly, to the heirs of the said William Quigly, deceased, in the said town of Jackson, in the county of Mobile, aforesaid. Approved, Dec. 20, 1836.

No. 38.] AN ACT

To amend an Act to authorise William H. Ragsdale and his associates, to turnpike a road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of*

Commissioners, and duty.

the State of Alabama in General Assembly convened, That David Shannon, Archilles L. Moorman and Pleasant Moorman of Franklin county, be, and they are hereby appointed commissioners in the above named road, instead of ~~Francis~~ Bullock, Clairbourn Williams and Benjamine Haines, who was originally appointed in said act.

Sec. 2. *And be it further enacted*, That the said David Shannon, Archilles L. Moorman and Pleasant Moorman, shall be compelled to perform at the duties required of them, as commissioners, agreeable to the above recited act, any law to the contrary notwithstanding.

Approved, Dec. 20, 1836.

No. 39] AN ACT

To Incorporate the Mechanics Association of Mobile.

Incorporation and style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That J. F. McBride D. D. Wyatt, M. Spaulding, James Madden and Garvin Yuille, and their associates, be, and they are hereby made and created a body corporate, by the name and style of the Mechanics Association of Mobile, and by that name, shall be authorised to sue and be sued in any court of law and equity, and shall be authorised and empowered to hold such real and personal estate as may be necessary to carry on the object of this said corporation hereinafter expressed, to an amount not exceeding one hundred thousand dollars.

May hold property.

Sec. 2. *And be it further enacted*, That the sold business of the said society, shall be to provide the means of relief to such members of the same and others, who may be in indigent or necessitous circumstances, and for that purpose to receive and hold donations of land or personal estate.

Power.

Sec. 3. *And be it further enacted*, That the said corporation shall have, full power and authority to make such by-laws and regulations, as may by them be deemed necessary for the government and good order of the said corporation. *Provided*, that any member of the said society, shall at all times be at liberty to withdraw from the same at pleasure.

Approved, Dec. 20, 1836.

No. 40] AN ACT

To divide the seventy-fourth Regiment of the Militia of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the seventy-fourth regiment of the militia of this State, be divided and compose two regiments.

Sec. 2. *And be it further enacted*, That all that part of Cherokee county lying east of the Coosa river, shall hereafter compose the seventy-ninth regiment of the militia of this State, and all that part of Cherokee county lying west of the Coosa river, shall compose the seventy-fourth regiment of the militia of this State.

Sec. 3. *And be it further enacted*, That the regiment hereby created shall be organized in the manner now provided for by law.

Approved, Dec. 20, 1836.

No. 41.] AN ACT

To amend an Act entitled an Act to Incorporate the subscribers to the Alabama, Florida and Georgia Rail Road.

Branch road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the company created by the act to which this is an amendment, be, and they are hereby authorised and empowered to construct a brance of the rail road in that act

contemplated from any point on the line of said road, to any point on the Alabama river, in the counties of Montgomery, Lownds Dallas or Wilcox, with the same powers and privileges, subject to the same liabilities and restrictions as are contemplated in the act to which this is an amendment for establishing the main road in that act mentioned. *Provided however*, that this branch road shall not be constructed in the county of Montgomery, until two thirds of the stockholders in value in the Montgomery rail road company, shall have given their consent for the construction of the same. *Provided however*, that the said Alabama, Florida and Georgia rail road company, in the construction of the main rail road from Pensacola to Columbus, shall be, and they are hereby required to pursue the general direction of what is commonly called the three notched road, and shall proceed in the construction of the said main rail road with equal diligence, and mile for mile with the main stem and the branches, and by this act contemplated and authorized. *And provided further*, that said company shall be compelled to complete the main stem or rail road from the vicinity of the town of Pensacola, in the Territory of Florida, to the immediate vicinity of the town of Columbus, in the State of Georgia, within five years, from and after the passage of this act, and upon failure on the part of the said company to comply with the foregoing provisions of this act, then, and in that case, the right of the said company to the branch or branches, hereby authorised, shall cease to exist. *Provided further*, that the work in constructing of the branch road above referred to, shall be commenced on the Alabama river, and shall continue progressively from the said Alabama river, until it intersects with the principal rail road.

Proviso. Proviso. Proviso. Proviso.

Sec. 2. *And be it further enacted*, That as soon as any section of twenty miles of said branch road shall be completed, the said company shall provide ample and suitable means for the transportation of freight and passengers both to and from the Alabama river, upon the same terms as on any part of the main road.

Sec. 3. *And be it further enacted*, That if any person shall consider himself agrieved by the failure of the said company to fulfil any of the provisions of this act, it shall be lawful for him to apply to any judge in this State, and a scieri facias shall issue the service of which, upon the president or any director of said company, shall be deemed sufficient notice, and the said cause shall stand for trial at the first term of the court to which said process is returnable, unless sufficient cause for continuance be shewn, and if it shall be the opinion of the court, that any of the provisions of the charter has been violated, the said court shall forthwith declare the charter void, and the said charter, with all its privileges as to the said branch road shall thenceforth cease and determine.

Redress.

Approved, Dec. 20, 1836.

No. 42,] AN ACT

For regulating the compensation of the Sheriff of Washington county for public services.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the sheriff of Washington county shall be entitled to receive, for empannelling grand jurors, advertising and attending elections, serving all public orders of all courts in his county, and for all other public services not otherwise particularly provided for by law, the sum of one hundred dollars per annum, to be allowed and certified by the county court, and paid out of the county treasury.

Compensat'n.

Sec. 2. *And be it further enacted*, That said sheriff shall be entitled to receive, out of the moneys assessed and collected by him, for all taxes in said county, twenty per centum, instead of the amount now allowed by law.

Repeal.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed.

Approved, Dec. 20, 1836.

No. 43] AN ACT

To establish a third Regiment in the county of Sumter.

Regimental officers to meet and lay off regiment.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioned regimental officers of the two regiments in said county, be, and they are hereby authorised and required to assemble previous to the first day of August next, at Livingston, in the said county, and to lay off the said county into three regiments, as nearly equal in white population as they can ascertain it; and the said regimental officers shall particularly designate the limits and boundaries of each of said regiments, and file a copy thereof in the office of the Secretary of State.

Militia offic'r's to continue in office.

Sec. 2. *And be it further enacted*, That all militia officers, in said regiments, now existing in said county, shall continue in office, in the regiments and beats to which they may be respectively assigned, by the new organization above provided for.

Numbers.

Sec. 3. *And be it further enacted*, That the upper or most northwardly regiment in said county, shall be the eighty-second regiment of the militia of this State; and the middle and lower regiments in said county, shall be numbered as the upper and lower regiments, as heretofore organised, are respectively numbered.

Approved, Dec. 20, 1836.

No. 44] AN ACT

To change the time of holding the Circuit Court in the county of Shelby and for other purposes.

Time.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the circuit courts for the county of Shelby, shall hereafter be holden on the third Mondays after the third Mondays in March and September, in each year, instead of the second Mondays, as now provided by law.

Sec. 2. *And be it further enacted*, That all writs and other process, made returnable to said courts, as now provided by law, shall be made returnable to said courts, as altered by this act.

Term 3 weeks

Sec. 3. *And be it further enacted*, That the circuit courts for the county of Tuscaloosa, shall be holden for three weeks, instead of two, as now provided by law, unless the business thereof shall sooner be disposed of.

Approved, Dec. 20, 1836,

[No. 45.] AN ACT

To establish the permanent seat of Justice of Randolph county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the permanent seat of justice, in and for the county of Randolph, in this State be, and the same is hereby established at the town of Wedowee in said county, where the temporary seat of justice for said county is now established.

Approved, Dec. 20, 1836.

No. 46.] AN ACT

To compensate Jane Stevenson for a slave, Fanny, executed by law

Section 1. *Be it enacted by the Senate and House of Represen-*

tatives of the State of Alabama in General Assembly convened, That the comptroller of public accounts be directed to issue his warrant on the treasurer of this State, in favor of Jane Stevenson, for the sum of four hundred and seventy-five dollars, out of any money in the treasury not otherwise appropriated, it being one half of the value of a slave, Fanny, executed in pursuance of a sentence of the county court of Perry county. Approved, Dec. 20, 1836.

No. 47.] AN ACT

[For the relief of Lewis Tyus.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court of Autauga county, is hereby authorised and empowered to make an order, requiring Lewis Tyus, to transfer all property, moneys, notes, and evidences of debt in his hands, as executor of Armstead Russell's last will and testament, which is held as the legacy, given in the will of the said Armstead Russell, to the heirs of Elizabeth Doris, whenever they shall be produced before the judge of the said county court, an xemplification of letters of guardianship from the court of competent jurisdiction, of Hopkins county, in the State of Kentucky, to some person as guardian of the said heirs; and any transfer of property, or payment, made by said Tyus, under the order of said judge of the county court, to such person, his agent or attorney, shall be a full discharge to him of all the obligations of his trust, to the extent of such payment, in relation to said legacy. Approved, Dec. 20, 1836.

No, 48.] AN ACT

To authorise the Mississippi and Alabama Railroad Company of Mississippi, to construct a railroad from the line of the State of Mississippi to the city of Mobile.

WHEREAS, the State of Mississippi, by an act of the Legislature, approved on the 9th day of February last, did incorporate a certain company under the name of the Mississippi and Alabama Railroad Company; and whereas, it is desirable that the said company should be permitted to terminate the contemplated railroad to be made, at the city of Mobile, in this State, therefore— Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Mississippi and Alabama Railroad Company, of Mississippi State, be, and they are hereby authorised and empowered to make and construct a railroad from the line of the State of Mississippi, when the railroad from Jackson, in Mississippi, shall cross the same, to the city of Mobile; and for the purpose aforesaid, shall be entitled to purchase and hold such real estate as may be necessary for the purposes of such railroad, and the necessary depots, wharves and ware-houses, incident to the beneficial uses of such railroad. Authority to construct rail road.

Sec. 2. *And be it further enacted*, That the president and directors of said company, or any person or persons authorised, may agree with the owner or owners of any land that may be wanted, and shall be necessary for the construction, repair or maintenance of said road, or any of its works, for the purchase and occupation To make contracts.

of the same; and if they cannot agree, or if the owner or owners of such land, timber or other materials, be under any legal disability to contract, or be absent or unknown, when land, or other materials shall be wanted, application may be made to any justice of the peace for said county, who shall thereupon issue a warrant, under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related to the owner of said property or materials, not being stockholders in said company, or in any way interested, to meet on the land or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after issuing the same; and if at said time and place, any of the said jurors summoned, do not attend, the said sheriff shall summon immediately, as many jurors as may be necessary, with the jurors in attendance, to furnish a pannel of twenty jurors in attendance, and from them each party, or its, his, her, or their agent, or if either be not present in person, or by agent, the sheriff for him, her or them, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages, and before they act as such the said sheriff shall administer to each of them an oath or affirmation, as the case may be, that he will justly value the damages which the owner or owners may or will sustain by the use or occupation of said land or materials by the said company: and the jury, in determining said damages, shall take into estimate the benefits resulting to said owner or owners, but only in the extinguishment of the claim for damages; and the said jury shall reduce their inquisition to writing, and shall sign the same, and it shall be returned by said sheriff to the clerk of the circuit court of said county in which said land or materials lie, and shall be confirmed by the court at its next session, if no sufficient cause to the contrary be shown, and if confirmed, shall be recorded by the clerk, at the expense of said company; but if set aside, the said court may direct another inquisition to be taken, in the same manner as above prescribed, the property taken, or the bounds of the land condemned, and of the interest in the same valued for the company, and such valuation, when paid or tendered to the owner or owners of said land or materials, or his, her, or their legal representatives, shall entitle said company to the estate and interest in the same thus valued, as if they had been conveyed by the owner or owners of the same, and the valuation, if not received when tendered, may at any time thereafter be received from the company, without cost by the said owner or owners, his, her or their legal represenfative or representatives; and for the services rendered as above provided, the sheriff shall be entitled to five dollars, and each juror summoned and in attendance, according to the acquirements of the warrant, shall be entitled to the sum of two dollars, for each and every day he may serve on said inqusition, such service to be proved by the oath of the party, and attested by the certificate of the clerk; all which said costs and charges are to be paid by the said company: *Provided*

however, That nothing in this section shall be construed as to impede the company in the construction or repair of their road or roads; and whenever it shall be necessary for said company to have, use or occupy any lands, materials or other property, in order to the construction or repair of any portion of said road or roads, or their works or buildings, the president and directors of said company, or their agent, or those contracting with them for making or repairing the same, may immediately take and use said lands or materials, they having first caused the property to be viewed, by the jury formed as hereinafter provided; and it shall be necessary, after such view, in order to the use and occupation of the same, to wit: the issue of the proceedings upon said view, but said company or their agents may go on to make or repair their said road, as if no disagreement had occurred, and the verdict of the jury, after confirmation, and after payment or tender of the valuation, shall be a bar to all actions for taking or using such lands or materials, whether commenced before or after such confirmation, or the payment or tender of such valuation.

Sec. 3. *And be it further enacted*, That whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of said company, so to construct said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or where it shall be necessary to pass through the land of any individual, it shall be their duty to provide for such individauals proper wagon way or ways, across said road or roads, from one part of his land to the other; that the said company shall have power to place on any railway, constructed under this act, all machines, locomotives, vehicles, cars or carriages, of any description whatever, which they may deem necessary or proper, for the purpose of transportation on said road of goods, produce, merchandize, or other property and passengers, at such rates as the company may think proper to fix: *Provided however*, That the said company shall never be authorised to charge or receive, for transportation on said road, in the State of Alabama, any higher rates of freight or for passengers, than shall be the lowest rates for the same distance in the State of Mississippi.

President and directors to construct wagon way.

Sec. 4. *And be it further enacted*, That if any person or persons shall wilfully injure or destroy any part of said railroad, or attempt so to do, constructed by said company under this act, or any of their works, carriages, vehicles or machines, such person or persons, so offending, shall for every such offence be liable for all damages occasioned thereby, and may furthermore be proceeded against by indictment on information, at any time within twelve months after said offence be committed, and be punished by a fine not exceeding one thousand dollars, and imprisoned not exceeding six months, at the discretion of the court.

Persons liable for damages.

Sec. 5. *And be it further enacted*, That the said company shall keep a correct account of all the expenditures made by them on the said railroad, for the purchase of land, or the estimation of the same,

To keep account of expenditures.

within the State of Alabama, and shall on the first Monday of November, in each year after the said road shall be commenced in the State of Alabama, and until the same shall be completed, make a return of the same to the comptroller of this State, which return shall be here filed by the oaths of the majority of the board of directors, and the State of Alabama may at any time after the first day of January 1860, become the owners of the said road within the State of Alabama, on paying to the said company the sum by them expended for the construction of the said road; and no alienation by the said company shall in any wise impair the right of the State to become the owners of the same in the maner before stated.

Company to be taxed.

Sec. 6. *And be it further enacted*, That the said company shall from time to time, as the Legislature may hereafter direct, be subject to be taxed annually, to an amount not exceeding twenty-five cents on each one hundred dollars actually expended in the contraction of said railroad.

Sec. 7. *And be it further enacted*, That unless the said railroad shall be completed within the time of six years from the passage of this act, all the privileges conferred by the act, shall cease and determine; and in that event, the Legislature may, by law, direct in what manner the said road shall be sold, if partially completed, or otherwise disposed of, so that the proceeds thereof be paid to the said company.

Approved, Dec. 21, 1836.

No. 49] AN ACT

For the relief of all persons holding claims against the county of Shelby.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all persons holding claims against the county of Shelby, shall have, until the first of January, eighteen hundred and thirty-eight, to file the same, with the county treasurer of said county notwithstanding.

Approved, Dec. 21, 1836.

[No. 50.] AN ACT

To amend and explain several acts—one approved January 18, 1834. entitled an act to incorporate the Cahawba River Bridge Company, the other supplemental to said act, approved January 9, 1835.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That nothing contained in either of the above recited acts, shall be so construed as to make it compulsory on any person who is not a stockholder, or otherwise interested in the said bridge and turnpike road, authorised to be established and laid out by said acts, to work, or furnish hands to work, on said road, either in opening or repairing the same, unless by voluntary agreement with stockholders, that such persons shall be exempt from the payment of toll for the use of said road and bridge.

Construction of act.

Approved, Dec. 21, 1836.

No. 51.] AN ACT

To divorce Clark Holmes from his wife Phalba Holmes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That in accordance with a decree of the circuit court of Madison county, exercising chancery jurisdiction, pronounced and entered at the spring term of said court, in the year 1836, the bonds of matrimony, heretofore solemnised and subsisting between Clark Holmes and Phalba Holmes, be, and the same are hereby dissolved and made void, and that the said Clark Holmes be henceforth divorced from his said wife Phalba Holmes.

Approved, Dec. 21, 1836.

No. 52.] AN ACT

To change the time of holding the Fall Term of the County Court of Greene county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, the fall term of the county court of Greene county, shall be held on the fourth Monday in November, in each and every year, instead of the second Monday of November, as now provided by law; and said court, as herein provided to be held, may continue in session six judicial days. Approved, Dec. 21, 1836.

No. 53] AN ACT

To amend an act to incorporate the Madison Turnpike Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the sixth section of said recited act, as compels the toll gate to be erected two and a half miles from the town of Huntsville, be, and the same is hereby repealed; and the company is hereby authorised to erect the gate on the northern section of the lands of Henry Avant, and adjacent to his well north of his house, and on the southern section on the dividing line between S. S. Ewing and Thomas and William Brandon, about a quarter of a mile south of this point of intersection between the road leading from the Big Cove and said turnpike road.

Repeal.

Toll gate to be erected.

Sec. 2. *And be it further enacted,* That the latter part of the second section of an act to amend an act entitled an act to incorporate the Madison Turnpike Company, approved January 9th, 1835, and in these words: "*And provided further,* That the rate of toll, for man and horse, shall be equal in every case, without regard to residence," be, and the same is hereby repealed.

Repeal.

Sec. 3. *And be it further enacted,* That said company is hereby authorised to continue the road leading west of Huntsville, to the forks of the roads leading to Brown's Ferry and Athens: *and be it further enacted,* That the additional part of said road, from the top of Russell's hill to the forks of the roads leading to Brown's Ferry and Athens, shall be under the same restrictions as the first part of said road, to wit: from Huntsville to the top of Russell's hill; and they shall receive the same tolls as at the gates on the northern end southern sections of said road.

To receive toll.

Sec. 4. *And be it further enacted,* That the president and directors of said company, are authorised to open books for subscriptions for the additional amount of eighteen thousand and fifty dollars, under the same restrictions of the original charter authorising books to be opened for subscription for said road, said additional a-

To open books of subscription.

mount, to be applied to the construction of the road from the top of Russell's hill, to the forks of the road leading to Brown's Ferry and Athens.

Repeal. Sec. 5. *And be it further enacted*, That so much of the original act of incorporation in the fifth section, as requires all the culverts and bridges on said road shall be of stone, is hereby repealed, so far as it may apply to the western division leading to Russell's hill, and all the culverts and bridges in said western division, shall be constructed with stone abutments, with cedar sills and cover.

Approved, Dec. 21, 1836.

No. 54.] AN ACT

To incorporate the Trustees of the Lubbub Male and Female Literary Institute in the county of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*,

Company created. That Robert W. Chappell, John Cameron, Jacob Coons, Thomas McCorcle and Thomas Trimmier, and their successors in office, be, and they are hereby created a body politic and corporate, in deed and in law, by the name and style of the Trustees of the Lubbub Male and Female Literary Institute, in which name they and their successors in office are hereby made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this State or elsewhere, to have and to use a common seal, and to alter and change the same at pleasure.

To purchase property. Sec. 2. *And be it further enacted*, That the said corporation shall have perpetual succession, and by their name and style aforesaid shall be able and capable in law to receive donations, to purchase, have, hold, possess, enjoy and retain to itself in perpetuity or for any term of years, any estate, real personal or mixed, of what kind or nature soever, to any amount not exceeding twenty thousand dollars, and to sell, alien or dispose of the same as they may think proper.

To appoint a treasurer and secretary Sec. 3. *And be it further enacted*, That the aforesaid trustees and their successors in office, shall have power to appoint a secretary and treasurer, and such other officers as they may consider expedient; to procure such number of instructors, teachers and assistants, either male or female, as they may deem necessary; to prescribe the terms of admission and course of study to be observed in said institution; to make and enforce all such rules, regulations and by-laws, for the good government of said institution, and the preservation of the morals of the students, as they may deem necessary and proper; and in general, to do all acts for the benefit of said institution which are incident to bodies corporate, and not inconsistent with the constitution and laws of the United States or of this State.

Sec. 4. *And be it further enacted*, That the said institution shall be purely literary and scientific; and the peculiar tenets of any denomination of Christians, shall never be taught or inculcated in said institution.

Liabilities. Sec. 5. *And be it further enacted*, That all the moneys which may have been subscribed by individuals, for the erection of buildings for the aforesaid academy, shall enure to, and be recoverable by

the trustees aforesaid and their successors in office, in their corporate capacity; and the said trustees shall be held and liable for all the contracts which may have been and may hereafter be for the erection of said academy buildings.

Sec. 6. *And be it further enacted*, That the trustees aforesaid, and their successors in office, shall have power to fill all vacancies which may occur in their board by death, resignation or removal from the said county of Pickens: *Provided always*, That the General Assembly shall have power at any time to alter, amend or repeal this act, reserving to the said trustees or their successors in office, the right to sell, alien or dispose of any real or personal estate they may have, possess or own, and to collect all debts that may be due them at the time of such repeal. Approved, Dec. 21, 1836. Trustees to fill vacancies.

No. 55.] AN ACT

To establish a troop of cavalry, known as the Alabama Rangers, in Butler county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the company of cavalry in Butler county, within the twenty-ninth regiment of Alabama Militia, known as the Alabama Rangers, commanded by Captain George S. Peagler, First Lieutenant William G. Smith, Second Lieutenant G. M. Otts, and Ensign G. W. Homes, be, and the same is hereby established and authorised, with power to elect successors to their present commissioned officers and so forth, as long as they keep up the company, and to make any by-laws for their regulation and management, that they may deem expedient: *Provided*, such laws are appropriate to the purpose of the establishment of said company, and not inconsistent with the constitution and laws of the State or the constitution of the General Government: *And provided further*, that said company shall be attached to, and under the ordinary command and control of the field officers of said regiment; and that the said company shall hold themselves liable at any time, to be called into service whenever there shall be a call on the State for cavalry.

Approved, Dec. 21, 1836.

No. 56.] AN ACT

To alter and amend an Act approved, January 9th, 1836, Incorporating the Wetumpka and Coosa Rail Road Company and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the president and directors of the Wetumpka and Coosa rail road company, are hereby authorised and empowered to begin said rail road, at Wetumpka, and in the construction thereof, shall be at liberty to cross the Coosa at any place on said river, between the town of Wetumpka and the Ten Islands, and to extend the same through the counties of Talladega and Benton, to the State line between Alabama and Georgia, or to the Tennessee river, at any point above Gunter's Landing, if the said president and directors shall think proper so to do. Power of the president and directors.

Sec. 2. *And be it further enacted*, That the said president and

Stockholders to pay instalments.

directors, shall have power to require the stockholders of said company to pay such instalments on their respective shares of stock in said company, and at such times as they may think best, for the interest of said company, and upon the failure or refusal of any stockholder to pay the instalments required on his, her or their stock, in pursuance of any call made by said president and directors as aforesaid, said president and directors may, upon giving thirty days notice, proceed to sell, at public sale, the share or shares of stock owned by such stockholder or such part as they may think proper, to the highest bidder, and if upon the sale of the shares of said stock owned by said defaulting stockholder, said stock should be sold for less than the par value or for less than one hundred dollars per share, said stockholder shall be liable to pay to the said company the deficiency in manner and form hereinafter specified.

Stockholders refusing to pay to be proceed'd against

Sec. 3. *And be it further enacted*, That upon the failure or refusal of any stockholder to pay any instalment called for or demanded by the president and directors of said company, in manner and form as specified in the second section of this act, or if upon the sale of said shares as before specified, they shall be sold for less than the par value, the president and directors upon giving twenty days notice to said defaulting stockholder, may proceed, by their attorney, to move the circuit court of the county in which said stockholder may reside, for judgment against said stockholder, for the amount called for by the president and directors of said company, or as the case may be, for any deficiency that may accrue in the sale of said stock as above specified, and said court is hereby authorised and empowered and required to render judgment against said defaulting stockholder, at the same term of the court at which said motion is made, which judgment so given, shall be a lien on the real and personal property of said stockholder, and execution shall issue as upon other judgments for the amount of said judgment and cost, and all notices hereby required to be given to any defaulting stockholder, shall be issued by, and in the name of the secretary to the board of directors and served by the sheriff of the county in which said stockholder may reside, and shall be returned to the office of the clerk of said court, as in cases of common writs, and the sheriff shall be entitled to one dollar for serving the said notice, which, with all costs that may accrue on said proceeding, shall be paid by the party against whom judgment may be rendered.

Presieent and directors to make contracts.

Sec. 4. *And be it further enacted*, That the president and directors of said company, are hereby authorised to contract for and receive conveyaces of land, stone, timber and wood, which may be necessary or required in the construction of said rail road, and when the owner and company cannot agree upon the price, or when the owner is an infant, non-resident or non-compos mentis, then it shall be lawful for the president and directors of said company to apply to the sheriff of the county in which said lands or other property may be situated, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorised to assess the

damages and return their award or judgment to the next term of the circuit court for the county in which said land or other property may be situated, which shall be entered by the clerk, as the judgment of said court, and execution may issue thereupon for the amount of said judgment and costs. *Provided always*, that if either party shall, upon the return thereof, be dissatisfied, they may, upon filing bond with good and sufficient security in such sum as the court may order, be allowed an appeal to the next term of the circuit court where said case shall stand for trial *de novo*. *Provided*, thirty days notice shall have been given to the opposite party, issued by the clerk of the court and served by the sheriff of the county. Proviso.

Sec. 5. *And be it further enacted*, That the juries trying said case, shall take the following oath, which oath the sheriff is hereby authorised to administer. You and each of you, do swear (or affirm, as the case may be) that you will, well and truly try the case now pending, and submitted to your decision, A. B. is complainant and the president and directors of the Wetumpka and Coosa rail rord company are defendants, and that you will take into consideration the advantages and value which the construction of the rail road may give to lands or other property, as well as the injury said lands or other property may sustain by its construction through or near which it may be constructed, so help you God. Oath.

Sec. 6. *And be it further enacted*, That the said lands or other property when so condemned and estimated as aforesaid, shall enure to and become the property of said company forever, upon the payment by said company of the amount assessed by said jury, to the party claiming damages on account of the construction of said road through said lands or for such other property. *And provided further*, that said work shall in no wise be delayed on account of the proceedings had as aforesaid, after the value of said lands or other property as asessed shall have been paid or tendered to the owner thereof. Lands, or other property when condemned shall become the property of the company.

Sec. 7. *And be it further enacted*, That in the construction of said rail road, the president and directors of said company shall not in any way or manner obstruct any public road now established, but shall provide convenient pass-ways to travel over said roads. Public road not to be obstructed.

Sec. 8. *And be it further enacted*, That so much of the proviso of the second section of the above recited act, as prohibits the said company from making any contract for the payment of any money except under the seal of said company or corporation, shall not be constructed so as to apply to any other contract made by said company or their duly authorised agents, except for the graduation and construction of the rail way of said rail road.

Sec. 9. *And be it further enacted*, That so much of the eight section of the above recited act as forbids the transaction of any other business by the company at the called meetings of the stockholders than that specially mentioned in the notice to the stockholders, be, and the same is hereby repealed. Repeal.

Sec. 10. *And be it further enacted*, That said road shall not in any manner interrupt or obstruct the construction of any other rail Not to obstruct other rail roads.

road authorised by the General Assembly of this State. *And provided further*, that nothing in this act shall prevent the legislature of this State from granting a branch from East Wetumpka, to be connected with said rail-road, with the consent of the company.

Sec. 11. *And be it further enacted*, That the General Assembly reserves the right and power to authorise the construction of any rail, or other road to cross the one authorised by this act, at any point the General Assembly may think proper.

Approved, Dec. 21, 1836.

No. 57] AN ACT

For the better organization of the Militia of Marshall and DeKalb counties and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the militia of DeKalb county shall constitute and compose one regiment of the militia of this State, which regiment shall be attached to the tenth brigade; and the militia of Marshall county shall hereafter compose two regiments to be divided by the Tennessee river from the western boundary line of Marshall county, up to the mouth of Short creek, and up said creek to the top of the mountain, and thence to the eastern boundary line of said county, at John Rains, and all that part of Marshall county west of Short creek and south of Tennessee river, shall compose the seventy-seventh regiment, which shall be attached to the twelfth brigade, and all that part of Marshall county above Short creek and north of Tennessee river, shall compose the eighty-first regiment of the militia of this State, which shall be attached to the tenth brigade.

Regiments organized.

Sec. 2. *And be it further enacted*, That the regiments established by this act, shall be organized and officered according to law. *Provided*, that all officers non-elected in any of said regiments shall hold their respective offices, and perform their respective duties in the same manner as if they had been elected for the regiments created by this act.

Proviso

Sec. 3. *And be it further enacted*, That the lines between the first and thirty-fifth regiment run as follows: beginning on the Tennessee river at the mouth of Roseberry creek and run thence to S. B. Pearse's, thence to Lewis Kirby's, thence to Claiburn Carr's, thence to the point of a mountain at Mastin Seggins'; thence across the said mountain to William Gunter's; thence to the mountain at Robert Lang's; thence along said mountain until it strikes the present line between the first and thirty-fifth regiments, and all that part of Jackson county westward of said line, shall compose a part of the thirty-fifth regiment.

Lines established

Sec. 4. *And be it further enacted*, That all laws contravening the provisions of this act, be, and the same are hereby repealed.

Repeal

Approved, Dec. 21, 1836.

[No. 58.] AN ACT

To amend an Act to establish a road therein named, approved, January 16, 1834.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*,

That Clement Billingslea, Willis Atkins, Charles P. Zimmerman, Robert Devan, Henry Lucas and Joseph A. Ware, be, and they are hereby appointed commissioners, or a majority of them, to make and lay out a road, the nearest and best route from the line creek road, commencing at or near Kill Creases creek and crossing the Tallapoosa river at Ware's ferry, thence to Buck's bridge on Hacha Cuba creek, thence to the Tuckabatha town in Tallapoosa county.

Sec. 2. *And be it further enacted*, That said ferry shall be permanently established, not subject to the control of the commissioners of roads and revenues of the county of Montgomery, further than in the regulation of tolls. Ferry established.

Sec. 3. *And be it further enacted*, That section second and third of the aforesaid act, be, and the same shall continue in full force.

Approved, Dec. 21, 1836.

No. 59] AN ACT

To authorise Moses L Barr guardian, to remove the property of his wards and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Moses L. Barr who was heretofore appointed guardian of Mary Harding and Julia Harding, minor, heirs of Joseph Harding, deceased, by the county court of Madison county, be permitted to remove such property or monies as may have come to his possession, as guardian as aforesaid, from the county of Madison to the county of Benton. Guardian may remove property.

Sec. 2. *And be it further enacted*, That it shall be the duty of the judge of the county court of Madison county, at any time hereafter, when the said Moses L. Barr shall make his return and settlement as guardian as aforesaid, at the request of the said Moses L. Barr, to order that a cirtified copy of all orders, returns, settlements and papers in any manner whatsoever materially connected with the said guardianship be made out by the clerk and by him transmitted to the clerk of the county court of Benton county whose duty it shall be to record the same, and it shall be considered as a part of the record of the county court of Benton county, and the said Moses L. Barr shall be required to make his annual returns and settlements with the judge and county court of Benton county, in the same manner that he is now required by law to make them with the judge and county court of Madison county. Judge of county court to order to be certified

Sec. 3. *And be it further enacted*, That when the aforesaid certified copy of the orders, returns, settlements and papers shall be delivered to the clerk of the county court of Benton county, it shall be his duty to give his receipt therefor, which receipt when delivered to the clerk of the county court of Madison county, shall discharge the said Moses L. Barr from further liability to make returns and settlements with the judge and county court of Madison county. To give receipt

Sec. 4. *And be it further enacted*, That it shall be the duty of the judge of the county court of Benton county, before he shall take jurisdiction of the matters of the aforesaid guardianship, to require the aforesaid Moses L. Barr to execute a new bond as guardian, in such amount, with such securities and conditions as are now required by law, payable to the judge of the county court of Benton county and his successors, which bond shall be a discharge of further liability on any other bonds which may have been given by the said Moses L. Barr as guardian aforesaid, to the judge of the county court of Madison county, from the date of the bond by this act required. Bond

Approved, Dec. 21, 1836.

No. 60] AN ACT

For the payment of certain accounts against the State for provisions and other articles furnished the Volunteers and friendly Indians engaged in defence of the State in the late Creek war, by Isaac Ross, John McQueene, John Routen, Jonathan Music, J. and B Driver, Townes and O'Brien, Harry Henderson, John T Roberts, Webb Kidd, Samuel Geter, Stephen Daniel, J & B Loyd, Thomas McClenden, Smith, Clayton and Findley, Joshua Caldwell, M B Headen and William S Johnson.

Appropriations.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several sums hereafter named be allowed out of any money in the treasury not appropriated for the payment of certain accounts against the State for provisions and other articles furnished the Volunteers and friendly Indians in the late Creek war; to Joshua Caldwell, the sum of eighty-four dollars and seventy cents; to Smith, Crayton and Findley, the sum of forty dollars and eight cents; to Thomas McClenden, one hundred and twenty-two dollars and twenty-five cents; to Stephen Daniel, seven hundred and fifty dollars; to Samuel Geter, seventy five dollars; to John Routon, the sum of three hundred and sixty dollars; to John T. Roberts, one thousand and three dollars and seventy cents; to T. T. C. Adams, seven hundred and fifty dollars; to Thomas and O'Brien five dollars and twelve cents; to Harry Henderson, thirteen hundred and eighty seven dollars and ninety-five cents; to Jonathan Music the sum of one hundred and thirty-two dollars and three cents; to M. B. Headen, two hundred and fourteen dollars and fifty cents; to J. & B. Driver, four hundred and ninety four dollars and twenty-five cents; to John McQueene, five hundred and seven dollars and ninety cents; to W. S. Johnson, five hundred and twenty-two dollars; to Webb Kidd, six hundred and seventy-six dollars and fifteen cents; and the further sum of eleven dollars and eighty seven cents.

Comptroller's duty

Sec. 2. *And be it further enacted,* That the comptroller of public accounts, be, and he is hereby authorised to issue his warrant in favor of the said several persons named in section the first, for the amounts named.

Approved, Dec. 21, 1836.

No. 61.] AN ACT

To provide for the payment of certain claims against the State.

Appropriations

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums, be, and the same are hereby appropriated, for the payment of claims in favor of persons herein named, for provisions and forage furnished volunteer companies on their march to the Creek Nation; to Archibald Griffin, ninety eight dollars; to Samuel Harroway, thirty-two dollars; to James L. Alexander, twenty-four dollars, to Simeon Nichols, one hundred and seventy dollars and seventy-two cents; to J. & P. Puryear, nine dollars and thirty seven cents; to John Griffin, fifteen dollars; to ——— Shepherd, twenty dollars; to Robert Martin, six dollars; to Nicholas Hudson, fifty-two dollars; to John Scott, thirty-three dollars and seventy-three cents, for furnishing Captain Carmack's company; to John Scott, for furnishing Captain French's company, thirty-three dollars and thirty-eight cents; to Samuel Bowdoin, ninety-one dollars and twenty-four cents; to Arthur Mullin, twenty-five dollars; to Edmund King, thirty dollars and seventy five cents; to Tandy Littleton, fifty-one dollars; to E. H. Hudson, forty seven dollars; to M. Kelly, Jr. sixteen dollars; to Daniel Nelson, ten dollars and fifty cents; to Daniel Nelson, fifty-five dollars and thirty cents; to Daniel Nelson fifty-four dollars and twenty cents; to William White, sixty-seven dollars; to William White thirteen dollars; to Joseph Jones, fifteen dollars and seventy-five cents.

Sec. 2. *And be it further enacted,* That there shall be paid to Dennis Dent, for transportation of the sick and baggage of the Alabama Volunteers from Demopolis to Tuscaloosa, on their return from Florida, seventy dollars; to H. Perkins, for the passage of two sick volunteers, on their return from Florida from Mobile to Tuscaloosa, thirty dollars; to William S. Taylor, for expenses in the Florida campaign, fourteen dollars; to William Motley, thirty-six dollars for provisions furnished Captain Patrick's company; to John Neely, thirty-three dollars; to William Berry, for the use of a horse to carry an express: ten dollars, to Henry S. Harrison a corporal, and Elijah R. Chism, Henry Warren, William Farmer, Moses Hendrix, Langdon C. Pool, John Michaels and Anthony Pistole, privates of Captain Boston's company, who were left sick at Taladega, on their return from the Creek Nation, one hundred and twelve dollars and fifty cents, which shall be paid to Cornelius Carmack for their use; to Jeremiah B. Thomas, for amunition and provisions furnished local troops and friendly Indians in Chambers county, three hundred and twenty-two dollars and thirty-seven cents. To D. Dent & others

Sec. 3. *And be it futher enacted,* That the comptroller of public accounts shall be authorised, and is hereby required to draw his warrant upon the treasurer for the several sums herein appropriated. Comptroller's warrant.

Approved, Dec. 21, 1836.

No. 62] AN ACT

To compensate Velina Hart, for work done for Volunteers while on their march from Tuscaloosa to Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of seventy dollars and forty-three and three-fourth cents, be, and the same is hereby authorised to be paid to Velina Hart, for one hundred and sixty-one canteens and straps, furnished Captain Martin's and Captain Taylor's companies of Volunteers, while on their march to Florida.

Sec. 2. *And be it further enacted,* That the comptroller of public accounts, be authorised to draw his warrant, upon the treasury, for the above sum, to be paid to Velina Hart, out of any money in the treasury, not otherwise appropriated.

Approved, Dec. 21, 1836.

No. 63.] AN ACT

To establish a Medical Board at the town of Livingston in the county of Sumter.

Section 1. *Be it enacted by the Senate and House of Reprepresentatives of the State of Alabama in General Assembly convened,* That in addition to the medical boards now established by law, that there shall be one established at the town of Livingston, to consist of five members, to be elected by joint vote of both houses of the General Assembly, which board shall meet annually, for the purpose of examining all applicants for a license to practice medicine; and said board, when elected, shall be governed by the same rules, laws and regulations, in every respect whatever, as are now prescribed for the government of the other medical boards of this State.

Approved, Dec. 21, 1836.

No. 64.] AN ACT

To divorce Eliza Evans from her husband Reuben B. Evans.

Section. 1. *Be it enacted by the Senate and House of Representativs of the State of Alabama in General Assembly convened,* That in accordance with a decree of the circuit court of the county of Pike, exercising chancery jurisdiction, pronounced and entered at the fall term of said court, in the year one thousand eight hundred and thirty six, the bonds of matrimony hereto-

fore solemnised and subsisting between Eliza Evans and Reauben B. Evans, be, and the same are hereby dissolved and made void; and that the said Eliza Evans be henceforth divorced from her said husband Reuben B. Evans.

Approved, Dec. 21, 1836.

No. 65.] AN ACT

To incorporate the Lexington and Woodville Railroad Company.

Incorporation and style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Lewis B. Mosely, as president, and James Williams, Rufus W. Greening, Thomas E. B. Pegues, Benjamin F. Adams, William Chapman, Peter Vanorden, John Shields, William J. McKerall, James B. Chambers, Abner C. Mobley and John F. Huckaby, as directors, with their associates and successors in office, be, and they are hereby made a body politic and corporate, in deed and in law, by the name and style of the Lexington and Woodville Railroad Company, in which name they and their successors in office, are hereby made capable in law to sue and be sued, plead and be impleaded, to answer and be answered, defend and be defended, in any court of law or equity in this State or elsewhere, to purchase, receive and hold, sell, convey and confirm real and personal estate, as natural persons; to have and use a common seal, to alter and change the same at pleasure, to pass such by-laws, rules and regulations for the good government of said corporation, as to them shall seem proper; and generally, to exercise all power, and to do and perform all acts, matters and things which they may deem necessary to carry into full and complete effect the object of this act: *Provided*, That the real and personal estate, owned by said company, shall not exceed the sum of five hundred thousand dollars.

Books of subscription

Sec. 2. *And be it further enacted*, That the president and directors hereby appointed, shall continue in office until the the first Monday in February, A. D. 1838; and they shall cause books to be opened at Lexington and Woodville, and all such other places as they may deem proper, for the subscription of stock, and shall give thirty days notice previous to opening said books, at the several places at which books will be opened, and shall also publish the same in one or more newspapers printed in this State; and said books when opened, shall be kept open for the space of ten days, and may be opened from time to time, until a sufficient amount of stock shall be subscribed, which stock so subscribed, shall be divided into shares of one hundred dollars each, and shall be deemed and considered in law as private personal property; and the stock hereby authorised to be subscribed, shall be transferable, and all transfers of stock shall be entered on the books of said company, and the holder thereof shall be entitled to all the benefit, and subject to all the liabilities of original stockholders.

Election of directors.

Sec. 3. *And be it further enacted*, That the stockholders shall meet at Athens, in the county of Dallas, on the first Monday in February, A. D. 1838, as aforesaid, and shall proceed to elect eleven directors, who shall be stockholders in said company, one of whom shall be chosen president by the board, and shall take an oath faithfully to perform their duties as such president and directors, and shall continue in office until the first Monday in July next after such election, and until their successors are chosen and qualified, which choice shall be made on the first Monday in February annually, at such place as the board may have appointed after the first election, or within one month thereafter by the stockholders. The stockholders may, in all elections of officers, engineers, agents or servants of said company, vote either in person or by proxy, and shall be entitled to one vote for every share of

stock he, she or they may hold in said company: *Provided*, that no one stockholder shall be entitled to more than one hundred votes; a majority of votes shall in all cases elect any officer, or remove any engineer, agent or servant of said company; but to remove the president or any director, it shall require a majority of two thirds of the whole number of stockholders in value. Proviso.

Sec. 4. *And be it further enacted*, That the president and directors of said company, when they shall have organised agreeably to the third section of this act, shall have power to borrow money, contract debts, and be contracted with, upon the credit of the stock thereof, and to pledge personal or real estate for the payment of their debts; to appoint such officers, agents and servants as they may think necessary, and give them such compensation as they may conceive just: they may require such instalments to be paid upon the stock, and at such time as they may think best for the interest of said company. Power to borrow money.

Sec. 5. *And be it further enacted*, That upon the failure of any stockholder to pay the amount due upon his, her or their stock, in pursuance of any call made by the president and directors as aforesaid, said president and directors may, upon giving sixty days notice at three or more public places, one of which shall be at Athens in the county of Dallas, proceed to sell the shares of stock owned by said stockholders, or such part thereof as they think proper, to the highest bidder, and if upon the sale of the shares owned by the said defaulting stockholder, said stock should be sold for less than par value, said stockholder shall be liable to pay to the said company said deficiency in the sale of said stock, in the manner and form heretofore specified. Stock of defaulters sold

Sec. 6. *And be it further enacted*, That upon the failure or refusal of any stockholder to pay any instalment upon his stock, called for and demanded by the president and directors of said company, in manner and form as specified in the fourth section of this act, or if upon the public sale of the shares of any stockholder in said company, said shares or stock shall be sold for less than their par value, as specified in the fifth section of this act, said president and directors may, upon giving said defaulting stockholder at least thirty days notice in writing thereof, proceed by their attorney, duly constituted and appointed under the common seal of said company, to move either the circuit or county court of the county in which said stockholder may reside, for judgment against said stockholder for the amount called for by said president and directors, in manner and form as specified in the fourth section of this act, or as the case may be, for any such deficiency as may occur in the sale of said stock as above specified; and said court is hereby authorised and required to render judgment against any such defaulting stockholder, upon such motion being made as aforesaid: *Provided*, That said court shall be satisfied that the requisite notice has been duly served upon said stockholder, at least thirty days previous to the day on which said motion may be made, which judgment so given shall be a lien on the real and personal property of said stockholder, as in case of ordinary judgments, rendered in any court of record in this State, and notice hereby required to be given to any defaulting stockholder, shall be served by the sheriff or his deputy of the county in which it is intended that such motion is to be made, and shall be returned to the office of the clerk of the court to which such notice appears by its face to be returnable; for which, said sheriff shall be entitled to one dollar, which, together with all other cost accruing on said motion, shall be paid by the party against whom judgment may be rendered; and all other cost accruing upon said motion, shall be governed by the ordinary rules and regulations of the courts in which said motion may be made. Proviso.

Road commence at Lexington.

Sec. 7. *And be it further enacted*, That said board of directors shall commence said railroad at Lexington, on the Alabama river, in the county of Dallas, and extend the same to some point at or near Woodville, in the county of Perry; and said board or company may also construct a branch of said railroad from some convenient point thereon, to the town of Greensborough, in the county of Greene, whenever to them it may seem proper so to do: *Provided however*, That nothing in this section shall be so construed as to prevent the board of directors from letting to contract and carrying on to completion, all parts of said railroad, and the said branch at one and the same time: *And provided further*, that neither main road nor its branch shall extend beyond any contra railroad, that my be constructed to connect the Tennessee Valley with the city of Mobile.

Proviso.

To contract for the loan of money.

Sec. 8. *And be it further enacted*, That the president and directors of said company shall have power to borrow money, contract debts and be contracted with, upon the credit of the stock of said company, and to pledge personal and real estate for the payment of the debts of said corporation, and they shall have the power to require payment of the stock subscribed in such instalments as they may deem for the interest of said company; and in case the said president and directors cannot agree with the owners of land or materials required for said as to compensation therefor, or in case the owners thereof be an infant, non-resident or *non compos mentis*, then and in that case it shall be lawful for the said president and directors, to apply to the judge of the county court in which said land or materials may be, and on such application, it shall be the duty of said judge forthwith to issue a warrant under his hand and seal, directed to the sheriff of said county, commanding him to summon the owner of such land or materials, if to be found in his county, and also to summon a jury of twelve disinterested freeholders, to appear before him at the place where the county court for such county is by law holden, at a time not exceeding ten days from the issuance of said precept, whose duty it shall be to assess the value of the land or materials so required; and in the case of lands, they shall in the same assessment, assess the damage that the owner thereof may sustain, by reason of the land being so taken for the use of said road; and in all assessments of value and damage, under this act, the jury shall take into consideration the advantage that the defendants may derive from said road, and render their verdict accordingly; and it shall be the duty of the judge, before whom the said assessment is so made, to make a record thereof, and return the same to the clerk of the circuit court of said county, and the said clerk shall enter the same as a cause on the trial docket of said court, at the term next succeeding the return thereof, and on motion, if no objection be made, the same shall be affirmed, and judgment thereof be entered as in other cases; and if said motion be resisted, and sufficient cause in law be shown for setting aside said assessment, then judgment thereof shall be entered, and the court shall forthwith order an issue to be made between the parties, to try the same matter, and the parties shall proceed therein *de novo*, and at the same term of the court, unless sufficient cause be shown by either party, for the continuance thereof; and the judgment of the circuit court, when for the claimants shall be made, that the land in question or the materials, as the case may be, is condemned to the use of the president, directors and company of said railroad, and that the said company shall pay the said defendant such sum, together with cost, as may be found by the jury to be a reasonale and proper compensation; and in all cases of final judgment, the party aggrieved shall have his writ of error, as in other cases; *And it is hereby provided*, That the work shall in no wise be delayed by any pro-

Proviso.

ceedings had in the premises after the judgment in the county court shall return to the clerk of the circuit court, the assessment of the jury by him convened; but the president and directors, tendering the sum so assessed to the owner, or on depositing the amount for the use of the owner, with the clerk of said circuit court, may proceed with the work as upon final judgment in favor of said claim, and in case of tender as aforesaid, and acceptance thereof, such acceptance shall be a release of error in the proceedings, and the said circuit courtshall, on suggestion, inquire thereof, and give judgment accordingly.

Contract for making road

Sec. 9. *And be it further enacted*, That said president and directors, after having the track upon which said railroad is to run, surveyed and selected, may proceed to let the same to contract, in such sections as they may deem proper, and upon such condition as they may prescribe: *Provided*, That they shall give sixty days notice of the time and place of the letting the same to contract, *And provided also*, That they shall commence the said railroad within three, and complete it within eight years, or forfeit their charter hereby given.

Meetings to be called

Sec. 10. *And be it further enacted*, That said president and directors shall have power to call meetings of the stockholders, at any time a majority of the stockholders in value, either in person or by proxy, shall be able to form a quorum; they shall have power to remove the president or any director, in the manner and form herein before specified, and elect others in their stead; and whenever a vacancy shall occur in said board, they shall fill it until the next annual meeting of the stockholders.

Public roads

Sec. 11. *And be it further enacted*, That in the construction of said railroad, the president and directors shall not in any obstruct any of the public roads, which now are, or hereafter may be established; but shall provide suitable and convenient ways by which they may cross said railroad.

Exhibit statements

Sec. 12. *And be it further enacted*, That it shall be the duty of the president and directors, to report to the annual meeting of the stockholders, and exhibit a clear and distinct statement of all the affairs of said company, they shall report the receipts and disbursements; and if after the work shall have been completed, they shall declare and pay over dividends annually, to the stockholders, or semiannually should the stockholders require it.

Sec. 13. *And be it further enacted*, That the said railroad, with all works, improvements and machinery of transportation, used on said railroad, with all the rights, privileges and immunities, properly belonging and appertaining to them as a corporate body, are hereby vested in said company forever, unless the State shall purchase the same as provided for by this act.

Sec. 14. *And be it further enacted*, That nothing herein contained, shall in any manner prevent or hinder the location of a railroad to unite the waters of Tennessee river with the Mobile bay.

Sec. 15. *And be it further enacted*, That after completing said work, or any part thereof, the said president and directors may levy and collect toll or freight from all persons, property, merchandize or other commodities transferred thereon: *Provided*, That said toll or feight shall never amount to more than twenty five per centum per annum upon the amount expended in said work: *Provided further*, That the company incorporated by this act, shall not have banking powers. Approved, Dec. 21, 1836.

No. 41.] AN ACT

To provide for the payment of certain accounts created by the regiment of Observation in going to and returning from Vernon.

Appropriations

Section 1. *Be it enacted by the Senate and House of Representatives of*

the State of Alabama in General Assembly convened, That there shall be paid out of any money in the treasury not otherwise appropriated, the following sums to the persons therein after mentioned, for provisions and forage furnished and money paid out for the subsistence of the mounted Volunteers ordered into service, pursuant to a requisition made by Col. Lindsay of the United States army upon the Governor of this State; to Captain John Abbott and his company of Volunteers from Perry county, four hundred and forty-four dollars, which shall be paid to the order of O. C. Eiland, for the use of said company; to A. H. Ramsey's company from Sumter county, six hundred and twenty-one dollars and four cents, to be paid to the order of A. H. Ramsey; to Captain Smith and the Volunteer company from Green county, five hundred and sixty-six dollars and sixty-three cents, to be paid to the order of George W. Blair, for the use of said company; to John T. Rather, acting quarter master of Captain Philpott's company from Morgan county, for expenses incurred and paid by him for said company, six hundred and eighty-seven dollars and twelve cents; to Cornelius Carmack, for expenses incurred and paid by him for his company on their march to Vernon, five hundred and forty dollars and forty five cents; and to the following persons for provisions and forage furnished said company at Vernon and on their march home; to Jesse Ricks, seven dollars and thirty six cents; to Richard Morton, eight dollars and thirty five cents; to Julius Goodwin, twenty seven dollars and sixty seven cents; to Greene McLeroy twenty three dollars and thirty one cents; to John Lucas, six dollars and sixty cents; to Absolom Byers, twenty five dollars and forty eight cents; to Martin Ward, sixteen dollars and twenty seven cents; to William Harriss twenty five dollars and ninety cents; to William McLeroy, fourteen dollars and sixty two cents; to George Looney of Captain Carmack's company while lying sick and on his return home from Vernon, twelve dollars and fifty cents.

Sec. 2. *And be it further enacted,* That there shall be paid the following sums to persons who furnished Captain Robinson's company, viz: to William Newsom, sixty one dollars; to Joshua K. Roberts, eighty dollars; to Mark Anderson, fifty dollars; to Thadeus A. Read, seventy dollars; to Edmund King, sixty dollars, to Joseph Williams, forty two dollars; to John Dupree, four dollars; to Alexander Morton, forty seven dollars; to Luke Huffman, sixty one dollars; to Louis Houser, one hundred and thirty nine dollars; to William C. Hicks, twenty dollars; to Robert H. Greene, thirty dollars; to L. Simpson & Co. one dollar and ninety cents.

Sec. 3. *And be it further enacted,* That the following sums shall be paid to persons who furnished Captain Henry Norwood's company; to Simeon Nichols, one hundred and fifteen dollars; to Andrew Aldridge, eighty five dollars; to John C. Johnson, one hundred and forty four dollars; to Nicholas Humby, seventy five dollars; to John Camp, seventy dollars; to David Meredith, sixty four dollars; to William Crowson, eleven dollars; to James Moore, fifty six dollars and seven cents; to David McGhee, eighty four dollars and thirteen cents; to L. Simmons & Co. twenty five dollars; to William R Pickett, twenty nine dollars and fifty cents; to David Mims, one hundred and fifty seven dollars; to Shadrick Mims, nine dollars; to Bryant Rushing, forty seven dollars and thirty seven cents; to Jeremiah Collins, thirty one dollars and eighty cents; to William Halloway, forty three dollars and fifty one cents.

Sec. 4. *And be it further enacted,* That the following sums be paid to John W. Cobb, for the use of his company, for expenses paid on the march of said company to Vernon; two hundred and twenty five dollars, to O. B.

Havis, for expenses of a detachment, fifty eight dollars; to John Griffith for provisions and forage furnished Captain Cobb's company, sixty five dollars; to A. P. Daviss, for furnishing said company, seventy six dollars; to James Mitchell, eighty dollars; to William Keener, one hundred and forty dollars for provisions and forage furnished Captain Pattrick's company; to John P. De Jarnett, one hundred and ninety nine dollars and fifty two cents; to Thomas J. Daviss of Shelby county, for expenses of a detachment of Captain Patrick's company, thirty eight dollars; to L. McMillion, for expenses incurred and paid by the Jefferson county Volunteers on their march to Vernon, one hundred and sixty four dollars; to Joseph P. Frazure for money advanced to the regimental quarter master at Vernon, to pay for provisions furnished the regiment, forty dollars and eighty seven cents:

Sec. 5. *And be it further enacted*, That there shall be paid to the following persons who furnished Captain Cook's company; to Jones, Russell & Co. of Vernon, twenty nine dollars and sixty six cents; to William De Jarnett, seventy nine dollars and eighty cents; to John Weeks, sixty three dollars and thirty five cents; to Duffee & Clare, one hundred and four dollars and fifty three cents, to be in full of Captain Cook's notes; to Joshua Holbert, twenty four dollars and fifty cents; to Benjamin Cockram, twenty seven dollars and thirty seven cents; to Amos McGuire, seven dollars; to John T. Rather, eighty three dollars and sixty nine cents.

Sec. 6. *And be it further enacted*, That the comptroller of public accounts be authorised to issue his warrant upon the treasurer for the foregoing accounts in favor of the persons entitled by this act to receive them.

Approved, Dec. 21, 1836.

No, 66.] AN ACT

To incorporate the Demopolis Female Academy.

Corporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Francis S. Lyon, John W. Henley, Andrew J. Crawford, Farist Gaither, Benjamin Talliaferro, James Davenport and Joseph W. Moore, and their successors in office, shall be, and the same are hereby established a body politic and corporate in deed and in law, by the name and style of the President and Trustees of the Demopolis Female Academy; and by that name shall have power to receive donations, borrow money, purchase, have and hold real estate in perpetuity and to sell the same; and also to sue and be sued, to plead and to be impleaded and to recover all debts that may become due owing or belonging to said Institution as the property thereof.

To divide the stock into shares.

Sec. 2. *And be it further enacted*, That the board of trustees shall at any time, if to them it shall seem proper, divide the capital stock of said Institution into shares of such size as to them shall seem expedient, which shares shall be owned by the original subscribers in proportion to the amount they may have severally subscribed; and said board of trustees shall also at any time open books for additional subscription of stock, and all stock which has been, or may hereafter be taken in said Institution shall be controlled and governed by such by-laws and regulations as the board of trustees shall enact.

To appoint officers.

Sec. 3. *And be it further enacted*, That the board of trustees shall have power to appoint a president, secretary and treasurer, and such other officers, directors and trustees as they shall deem necessary or expedient for the good government and well being of said Institution, and to prescribe the duties of each; to grant such rewards, and so confer such honors on the

pupils in said Institution as to them may seem expedient, to have and use a common seal and the same to break, alter or renew at pleasure.

Stockholders to elect trustees.

Sec. 4. *And be it further enacted*, That should the board of trustees deem it expedient to divide the capital stock of said Institution, into shares as herein provided for, the stockholders shall meet annually at such time and place as the trustees shall appoint, and elect by ballot, seven trustees of said Institution, who shall serve one year from the time of their election, and in said election, each stockholder shall have as many votes as he ownes shares in said stock. *And provided*, that it shall require a majority of stockholders in value, to constitute a quorum, to proceed to the election.

Vacancies, how filled.

Sec. 5. *And be it further enacted*, That vacancies that may occur in the board of trustees from any cause between the annual elections, shall be filled by a majority of the remaining trustees, and the trustees so appointed shall have all the power vested in the trustees appointed by this act.

Town lots in Demopolis to be exempt from taxation

Sec. 6. *And be it further enacted*, That all the lots, buildings and improvements in the town of Demopolis, belonging to said Institution, shall forever be free and exempt from any taxation whatever.

Sec. 7. *And be it further enacted*, That the said corporation shall not at any time own a greater value of real estate than the sum of fifty thousand dollars.

Approved, Dec. 21, 1836.

No. 67.] AN ACT.

For the relief of Littleberry Strange.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the treasurer, be, and he is hereby authorised to pay to Littleberry Strange out of any monies in the treasury not otherwise appropriated, the sum of one hundred and fifty dollars, being the amount charged him for board and medical aid occasioned by a wound received in the battle at Clonotosasa, of the 27th of April last, in an engagement with the Seminole Indians; he being a member of Captain Campbell's company from Wetumpka.

Approved, Dec. 22, 1836.

No. 68] AN ACT

To compensate persons for provisions and forage furnished troops while on their march to the different places of rendezvous and other purposes.

Appropriation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the comptroller of public accounts, be, and he is hereby authorised to draw his warrant upon the treasury, for the following amounts out of any monies in the treasury not otherwise appropriated, to wit: in favor of Andrew Smith, for three hundred and fifty six dollars and seventy two cents; Harris McGuire, thirty dollars; William Robinson, one hundred and twenty six dollars; William Simonton, ninety dollars; David Thornton, nineteen dollars; John Bull, six dollars; William M. Strong, fifty seven dollars and fifty cents; Robert Pickle two dollars and fifty cents; R. S. Jones, forty two dollars and fifty cents; V. W. Hughs, eight dollars and twenty five cents; David Dicks, five dollars; William Patterson, ten dollars; Lindsey Allen, eight dollars; the above accounts being contracted by officers for provisions for their commands, while on their march to the places of rendezvous.

Approved, Dec. 22, 1836.

No. 69,] AN ACT

For the relief of certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of*

the State of Alabama in General Assembly convened, That there shall be, and there is now appropriated from any monies not otherwise appropr iatedin the treasury, from the persons hereafter mentioned, to satisfy their claims against the State for subsistence, forage, ammunition and services for the use and benefit of volunteers in the service of the United States; for Green Beauchamp, five hundred and two dollars and seventy five cents; Daniel Guartman, seventy one dollars; Charles F. W. Miller, two hundred and fifty one dollars and twenty eight cents; John Drakeford, twenty one dollars and eigty eight cents; J. F. Dennis & Co. four hundred and eighty five dollars; to N. S. Stewart, fifty six dollars; to Stephen White, ten dollars.

Approved, Dec. 22, 1836.

No. 70] AN ACT

To compensate Levi Robbins.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one hundred dollars, be, and the same is hereby appropriated, to Levi Robbins, for certain services rendered by him, in pursuing and bringing to justice, Austin Tilley and William Self, fugitives from justice, charged with the offence of horse stealing. Appropriation

Sec. 2. *And be it further enacted,* That said sum shall be paid out of any money in the treasury not otherwise appropriated, upon the order of said Levi Robbins.

Approved, Dec. 22, 1836.

No. 71] AN ACT

To compensate certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following persons be, and they are hereby entitled to the sums herein described, to wit: David C. Neal, forty-five dollars; Isaac Knowls, two hundred and fifty dollars; Osburn Youngblood, twenty-eight dollars and thirty-eight cents; William Cross, eighty-three dollars and seventy-five cents; Daniel Rosser, thirty-six dollars; Abner Hill, two hundred and forty-four dollars, fifteen cents; Burk and Lowry, one hundred and ninety-four dollars; Andrew George, seventy dollars; George Hollingsworth, thirty dollars; R. S. Devinggins, forty-five dollars; Thomas Allison, five dollars; Wilson Abnernathy, five dollars. appropriat'ns

Sec. 2. *And be it further enacted,* That the comptroller of public accounts be, and he is hereby authorised to issue his warrant upon the treasurer, for the above sum, to be paid out of any moneys in the treasury not otherwise appropriated. Comptroller's duty.

Approved, Dec. 22, 1836.

No. 72.] AN ACT

To compensate Kobb & McKay for articles furnished Troops while stationed at Irwinton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, and he is hereby authorised to draw his warrant upon the treasury, for any moneys in the treasury not otherwise appropriated, in favor of Kobb & McKay, for the sum of one hundred and sixty nine dollars, sixty-five cents

being the amount allowed of an account of three hundred and eighty-six dollars and thirty cents, presented to this house by said Kobb & McKay. Approved, Dec. 22, 1836.

No. 73.] AN ACT

To compensate a company known by the name of the Tuckabatcha Guards.

Appropriations.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the company, known by the name of the Tuckabatcha Guards, who have been engaged in the late Indian hostilities for two months, but not regularly mustered into the service, be, and they are hereby entitled to the same pay and allowance, as are allowed to such as were regularly mustered into the United States service, to wit: captain, one hundred and seventy-seven dollars; first lieutenant, one hundred and thirty-seven dollars; second lieutenant, one hundred and thirty one dollars; first sergeant, thirty-five dollars; second, third and fourth sergeants, each twenty-nine dollars; fifty private soldiers, each entitled to the sum of seventeen dollars.

Comptroller's duty.

Sec. 2. *And be it further enacted,* That the comptroller of public accounts be, and he is hereby authorised to issue his warrant upon the treasurer, out of any moneys in the treasury not otherwise appropriated, for the different amounts as before described in the first section of this act. Approved, Dec. 22, 1836.

[No. 74.] AN ACT

To compensate Fields & Morgan for articles furnished the Troops when at Irwinton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, and he is hereby authorised to issue his warrant upon the treasury, to be paid out of any moneys in the treasury not otherwise appropriated, in favor of Fields & Morgan, for the sum of six hundred and fifteen dollars twenty-five cents, being the amount allowed of an account of eight hundred and sixty one dollars eighty-five cents, presented by said Fields & Morgan. Approved, Dec. 22, 1836.

Appropriations.

[No. 75.] AN ACT

For the relief of certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of fifteen hundred dollars is hereby appropriated for the payment of a note executed to the cashier of the Branch of the Bank of the State of Alabama at Montgomery, and which was discounted by said bank, which note was made by N. E. Benson, George Goldthwaite, John Martin, Abner McGehee, John Scott, Samuel W. Goode, James K. Taylor, Silas Ames, William H. Taylor and H. W. Hilliard, the proceeds of which were paid over to P. H. Raiford, commissary for furnishing provisions for the troops marching to the Creek nation.

Comptroller's duty.

Sec. 2. *And be it further enacted,* That in the event that a note of the above description has been paid, it shall be the duty of the comptroller of public accounts, upon a certificate of the president and

cashier of said bank, showing] by whom such payment was made, to issue his warrant in favor of the said person or persons, making payment as aforesaid, for the said sum or any part thereof.

Approved, Dec. 22, 1836.

No. 76.] AN ACT

To compensate Waddy Bacon for services performed under contract with the Executive, and for other purposes.

Appropriat'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of three thousand dollars be, and the same is hereby appropriated to Waddy Bacon, out of any money in the treasury not otherwise appropriated, to compensate him for victualling and transporting the field officers, all of three companies, and a portion of a fourth company, of the first battalion of Alabama volunteers, in the Seminole war from Mobile, under a contract with his excellency the Governor.

Comptroller's duty.

Sec. 2. *And be it further enacted*, That the sum of one thousand dollars be, and the same is hereby authorised to be paid to Captain L. Crosby, for transporting Captain Campbell's company of volunteers, from Mobile to Wetumpka, out of any money in the treasury not otherwise appropriated. Approved, Dec. 22, 1836.

No. 77] AN ACT

For the benefit of the Commissioners of Road and Revenues in Russell and Coosa counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners of roads and revenues of Russell and Coosa counties, for the year 1836, be required to perform all the duties appertaining to their office, as commissioners until the first day of August, 1837. Approved, Dec. 22, 1836.

No. 78] AN ACT

To change the name and legitimate Dolly Beverly B. Harrel.

Name changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the name of Dolly Beverly B. Harrel, an illegitimate child of Beverly B. Pryor, of Madison county, be, and the same is hereby changed to Dolly Beverly B. Pryor.

Made heir of R. Prior.

Sec. 2. *And be it further enacted*, That the said Dolly Beverly B. by the name of Dolly Beverly B. Pryor, be, and she is hereby made capable in law or equity, to inherit all the estate, both real and personal, of Richard Pryor, in the same manner, and to the same extent, as if she had been born his lawful heir.

Approved, Dec. 22, 1836.

No. 79.] AN ACT

To appoint an additional Surveyer in the county of Blount.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the judge and commissioners of roads and revenue, for the county of Blount, be, and they

are hereby authorised and required to appoint an additional surveyor for the county of Blount, who shall reside in the west part of said county, and who shall be governed by the same laws and regulations as now provided for the regulation of county surveyors.

Approved, Dec. 22, 1836.

No. 80.] AN ACT

To amend an act incorporating the Cahawba and Marion Railroad Company, approved January 18th, 1834.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first section of said act shall be so amended, as to read James B. Clarke, president, in place of Thomas Morong; and James D. Craig and P. W. Herbert, as directors; and also John Lockhart and John Hartman, in place of William McCullough and Martin A. Lea, where their names occur in the original charter, in place of William Taylor and Jabez W. Heustis; and the sixth section shall be so amended where they are required to commence the work in three years from and after the passage of said act, and to camplete the same in ten years, shall be allowed three years to commence the work on said road, and ten years to complete the same, from and after the passage of this act, any law or usage to the contrary notwithstanding.

Approved, Dec. 22, 1836.

[No. 81.] AN ACT

To regulate the Corporation Tax in the town of Huntsville.

Restriction. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, it shall not be lawful for the mayor and aldermen of the town of Huntsville, to receive or cause to be received, more than fifty cents on each hundred dollars value, on all property, real and personal, liable to a corporation tax, in each and every year.

Repeal. Sec. 2. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, Dec. 22, 1836.

No. 82.] AN ACT

To authorise the Court of Commissioners of Roads and Revenue, of the county of Greene, to establish a Poor house in said county

Power to establish a poor-house. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of revenue and roads, for the county of Greene be, and they are hereby authorised to establish a poor-house in said county, for which purpose said court shall have the right of purchasing, at some suitable and convenient place in said county, any quantity of land not exceeding one quarter section, the title of which shall be taken to and in the name of the county of Greene; and said court, or such commissioners as they may appoint, shall have full power and authority to contract for the erection of all necessary houses, and the making of all other necessary and proper improvements on the land to be purchased; to appoint or em-

ploy necessary superintendants and agents to keep and conduct said poor-house, to attend to the cultivation of any farm or plantation connected therewith, and to attend to the feeding and clothing of all paupers who may at any time be sent to said poor-house, to be maintained and supported; and the said commissioners' court shall have full power and authority to make, from time to time, as they may deem expedient, all proper and necessary rules and regulations for the good government of said poor-house. To levy a tax.

Sec. 2. *And be it further enacted*, That for the purpose of carrying into effect the first section of this act, the said commissioners' court of Greene county, is hereby vested with full power and authority to levy a special county tax, to be collected as other county taxes are by law: *Provided*, That before levying any tax whatever, the said court shall make or cause to be made, an estimate of the probable amount that will be necessary to be raised, for the purpose specified in this act, which amount. when so ascertained, said court shall divide into two equal parts, and not more than one part or moity shall be levied or collected in one year: *And provided further*, That in levying said tax, or any part thereof, it shall be necessary for a majority of all the members of said court to vote in favor of it. Proviso. Paupers to be placed in poor house.

Sec. 3. *And be it further enacted*, That so soon as the said poor house shall be established, and the necessary houses and improvements erected and made, and the proper and necessary superintendants, stewards or agents procured, to cause to be placed in said poor-house all the paupers that shall then, or at any time after may be in the county of Greene, or such number as can conveniently be provided for and maintained therein, and to provide all the necessary means of feeding, clothing and lodging them; and it shall be the duty of the superintendant, steward or other agent, charged with the immediate government or superintendence of said poor-house, to cause all the paupers that may at any time be placed in said house, to perform any work or labor that may be able or capable of performing, and all the produce or profits of the labor of said paupers, shall be applied to the support and maintenance of the paupers in said poor-house. To make appropriations.

Sec. 4. *And be it further enacted*, That nothing in this act contained, shall be so construed as to prevent the said commissioners' court from appropriating any money out of the ordinary revenue of the county of Greene, in the treasury of said county, that shall be necessary for the support and mainteeance of the paupers of said county. To remove paupers to the poor-house.

Sec. 5. *And be it further enacted*, That the commissioners' court of revenue and roads, for the county of Greene, shall have power to make an order or orders, requiring the overseers of the poor in the several beats in the said county, to remove the poor in said beats to the poor-house herein authorised to be established.

Approved, Dec. 22, 1836.

No. 83.] AN ACT

For the benefit of the citizens of Township four, Range nine west.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act passed in 1833, as authorises parents and guardians to send their children or wards to school out of their particular township, and draw their portion of the sixteenth section fund to pay for the same, be, and the same is hereby repealed, so far as the same relates to the sixteenth section in township four and range nine west, and that hereafter, all the funds arising from said sixteenth section, shall be applied to the support of schools in said township.

Repeal.

Approved, Dec. 22, 1836.

No. 84.] AN ACT

Requiring the Treasurer of Monroe county to keep his office at the Court House of said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the treasurer of Monroe county to keep his office at the court-house of said county.

Approved, Dec. 22, 1836.

No. 85.] AN ACT

To declare North River a public highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That North river, a tributary of the Black Warrior, in the county of Tuscaloosa, shall hereafter be a public highway, from its junction up to the Bull Sluice, so called: *Provided,* That no mill-dam or other private property in said North river shall be abated, until after the issuance of a writ of *ad quod damnum,* in each case, in the usual manner, upon the application of such persons as feel themselves interested, to the county court of said county, a decision of that court in favor thereof, and a full satisfaction of the amount of damages, made by the applicants for such writ, to the party entitled thereto: *Provided also,* That the right of appeal to both parties shall be fully allowed in any case arising under this act.

North river a public highway.

Sec. 2. *And be it further enacted,* That the creek in Mobile county, called Mill, also be declared a public highway.

Mill creek.

Approved, Dec. 22, 1836.

No. 86] AN ACT

To incorporate the town of Tuskegee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that tract of land purchased by commissioners authorised to locate the seat of justice for the county of Macon, shall be called and known as the town of Tuskegee.

Incorporation

Sec. 2. *And be it further enacted,* That on the first Saturday of February next, or as soon thereafter as the citizens of said town may think proper, after giving ten days previous notice, an election by ballot shall be held, for five councillors, at some convenient place in said town, and all free white persons of the age of twenty one and

Town councillors to be elected.

upwards, who shall have resided therein three months next preceding said election, or who shall be freeholders in said town, and having the aforesaid qualifications, with the exception of residence, shall be entitled to vote for councillors; and when said councillors shall have been qualified, they shall proceed to elect from their own body an intendant whose duty it shall be to preside over the sessions and deliberations of said councillors, and preserve order, and the persons so elected shall continue in office one year, and until their successors shall be elected and qualified.

Judges of election.

Sec. 3. *And be it further enacted*, That the first election shall be held and conducted by James Dent, Thomas S. Woodward, Sampson Lanier, John Clark and John Hudnall, or any three of them, they giving notice ten days previous to said election, at three or more public places in said town, and all future elections shall be held and managed by such persons as said council may appoint, they giving notice as required in the third section of this act; and the intendant and councillors respectively, shall before entering on the duties of their office, take and subscribe to the following oath before some justice of the peace: I do solemnly swear, or affirm, as the case may be, that I will impartially perform all the duties required of me by this act, incorporating the town of Tuskegee, so help me God.

Intendent and council.

Sec. 4. *And be it further enacted*, That the intendant and council are hereby declared to be a body corporate, by the name of the Town Council of Tuskegee, and by that name they and their successors shall be capable of suing and being sued, plead and be impleaded, in all manner of suits, either in law or equity, and to have a common seal, and the same to alter at pleasure; and may purchase, have, hold, possess, receive, enjoy or retain, in perpetuity or for any term of years, any estate, real or personal, not exceeding the value of twenty thousand dollars, and may sell or lease the same at pleasure.

Council to fill vacancies.

Sec. 5. *And be it further enacted*, That if a vacancy should occur, by death, resignation or otherwise, of the intendant, the council shall fill such vacancy out of their own body, and vacancies in the council shall be filled by the intendant and remaining part of the councillors, a majority of whom shall be a quorum to transact business.

To pass by-laws and ordinances.

Sec. 6. *And be it further enacted*, That the council shall have power to pass all such orders, by-laws and ordinances, respecting the streets, markets and police of said town, as shall be necessary for the welfare, security and peace of said town, and to assess and collect taxes upon the real and personal property of the citizens of said town, the same not to exceed one hundred per cent. upon the assessment made under the last act, imposing a State tax; they shall have power to appoint patrols and define their duties; to affix fines for offences against their by-laws and ordinances, not to exceed five dollars for every offence, to be recovered before the intendant or any one of the councillors, or any justice of the peace within said town, for the use and benefit of said town; they shall have power to

appoint a clerk and treasurer for said town, and affix their fees or salaries, and define their duties.

Punishement for mal-conduct.

Sec. 7. *And be it further enacted*, That if the intendant or members of the council, shall be guilty of any malpractice in office, he or they shall, upon conviction, for every such offence pay the sum of fifty dollars, to be recovered before any court having jurisdiction of the same, and be removed from office, and said council shall not pass any by-laws or ordinances, repugnant to the constitution and laws of this State, and all laws and ordinances, passed by them, shall be subject to repeal by the General Assembly of the State.

Constable to be elected.

Sec. 8. *And be it further enacted*, That at the time and place of holding the election for councillors, there shall be elected a town constable, who shall collect the taxes and fines levied and imposed by the council, and perform all the duties that may be required of him by said council; and before entering on the duties of his office, shall take and subscribe the same oaths required of constables, and give a bond with good security, to be approved by the council, for such sum as they may think proper, and shall receive the same fees for serving and executing any process that are allowed to constables in like cases, any law to the contrary notwithstanding.

Approved, Dec. 22, 1836.

No. 87.] AN ACT

To change the time of holding the County Courts in the county of Benton.

When holden.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assemby convened*, That from and after the passage of this act, the county courts of the county of Benton, shall be held on the second Mondays in February and August, and shall continue in session until the business is disposed of.

Sec. 2. *And be it further enacted*, That all process and precepts made returnable to the present term of said court, be, and the same are hereby made returnable to the terms as provided for in the first section of this act.

Repeal.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, are hereby repealed.

Approved, Dec. 22, 1836.

Incorporation and style.

No. 88.] AN ACT

To incorporporate the Tallapoosa and Coosa Railroad Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Joseph H. Bradford, William B. McClellan, Green T. MacAfee, William P. Chilton, P. H. Pearson, J. D. Hooke and James Lyle, and their associates, be, and they are hereby constituted a body corporate, under the name and style of the Tallapoosa and Coosa Railroad Company, and by the said name may sue and be sued, answer and be answered unto, defend and be defended, in any court of law and equity, and may have and use a common seal, and the same alter and amend at pleasure; and may ordain and establish such by-laws, rules and regulations, not at variance with the laws of this

State or of the United States, as they may deem necessary and expedient for their own self-government.

Sec. 2. *And be it further enacted*, That the capital stock of said company, shall consist of fifteen hundred thousand dollars, in fifteen thousand shares of one hundred dollars each. Capital stock.

Sec. 3. *And be it further enacted*, That sixty days public notice shall be given, previous to opening books for the subscription to the capital stock of said company, which said books shall be opened at such places and at such times as the board of commissioners shall determine; and the said commissioners shall have power also, to appoint commissioners in any place or places, within the State of Alabama, where they may deem it advisable for said books to be opened; and that when the sum of five hundred thousand dollars shall have been subscribed to said stock, the subscribers shall proceed, pursuant to public notice previously given, to elect a president and twelve directors, for the well ordering of the affairs of said company, and shall be duly constituted as a body corporate, with full power to proceed to the construction of a railroad, branching from the Montgomery railroad at any point west of the mouth of Ufaupee creek, which may be deemed most eligible, and from thence pursuing the most advantageous route to the Talladega valley, and thence to any point which may be selected on the Coosa river: *Provided*, That the said extension from the Talladega valley, to the Coosa river, shall not conflict with any exclusive privileges vested in any other company heretofore incorporated: *And provided also*, That no part of said railroad shall be constructed without the consent of two-thirds of the Montgomery Railroad Company. Notice before opening books

Sec. 4. *And be it further enacted*, That all the rules, regulations and restrictions, imposed upon the Montgomery Railroad Company, under their act of incorporation, and all immunities, privileges, rights and powers, granted to said company by said act, or which may hereafter be granted to said company, shall be equally binding upon, and vested in the said Tallapoosa and Coosa Railroad Company; and the said charter of the Montgomery Railroad Company shall, as far as applicable, and not inconsistent with the provisions of this act, entirely govern and restrict, limit and define, the acts, rights, powers and privileges, of the said Coosa and Tallapoosa Railroad Company: *Provided*, That this charter shall be utterly null and void, unless the said railroad be commenced in two years and completed in ten years from the passage of this act: *Provided*, That nothing herein contained shall prevent the construction of a railroad from East Wetumpka, intersecting the same. Rules, regulation and restrictions imposed. Proviso.

Approved, Dec. 22, 1836.

No. 89] AN ACT

For the relief of the purchasers of the sixteenth section of township seven, and range nine west.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*; That the president and directors of the Branch of the Bank of the State of Alabama at Decatur, be, and they are hereby authorised and

required to grant to the purchasers of the sixteenth section of township seven, range nine west, a postponement of one year in the payment of the second instalment of all bonds given by the said purchasers of the aforesaid sixteenth section, for the purchase of their several portions, said section being in the county of Lawrence, sold according to law by the commissioners of said township, which bonds were made payable to the said president and directors, and deposited in said branch bank for collection: *Provided however*, That the interest which shall have accrued upon said bonds, shall be paid at the time when said instalment shall become due: *And provided further*, That before the day at which the second instalments of said bonds shall fall due, the securities of the aforesaid purchasers, shall file with the president of the branch bank at Decatur, their assent in writing, to the postponement above granted, in the payment of the said instalments of the bonds upon which they are securities as aforesaid. Approved, Dec. 22, 1836.

Proviso.

No 90) AN ACT

To incorporate the Irwinton Female Academy.

Incorporation and style.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John S. Hunter, William Wellborne, Reuben C. Shorter, John Jackson, John Curry, William L. Cowan, Robert Martin and T. T. Gamage, and their successors in office, shall be, and they are hereby established a body politic and corporate, in deed and in law, by the name and style of the President and Trustees of the Irwinton Female Academy, and by that name shall have power to receive donations, borrow money, purchase, have and hold real estate in perpetuity, and to sell the same; and also, to sue and be sued, plead and be impleaded, and to recover all debts that may become due, owing and belonging to said institution, as the property thereof: *Provided*, That they shall not own at any one time more real estate than shall be of the value of twenty thousand dollars.

Trustees to appoint a president, secretary and treasurer.

Sec. 2. *And be it further enacted*, That the before named board of trustees shall have power to appoint a president, secretary and treasurer, and such other officers, directors or visitors, as they may deem necessary or expedient for the good government or well being of said institution, and to prescribe the duties of each; to grant such rewards, or confer such honors on graduates, as they may deem expedient; to have and use a common seal, and the same to break, alter or renew at pleasure.

To fill vacancies.

Sec. 3. *And be it further enacted*, That vacancies which may occur in the board of trustees, from any cause, shall be filled by a majority of the remaining trustees so appointed, and shall have all the powers vested in the trustees appointed by this act.

Exemption.

Sec. 4. *And be it further enacted*, That the lots owned, and buildings erected, by the president and trustees of the Irwinton Female Academy, and now the property of the same trustees, together with all other buildings they may erect, or the grounds they may purchase, for the exclusive use of said female institution, shall be exempt from all taxation whatever. Approved, Dec. 22, 1836.

No. 91] AN ACT

To authorise Hezekiah Johnson and Thomas Harvy and their associates to turnpike a road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Hezekiah Johnson and Thomas Harvy and their associates, be, and they are hereby authorised to open and turnpike a road, to commence within two miles of the bridge across New river, on the road leading from Fayettville to Tuscaloosa, via, Halberts, thence the nearest and best way in a direction for Elyton, in Jefferson county, so as to cross the Warrior within four miles of Richardson's ferry, and intersect a public road within six miles of said river. Location of turnpike road

Sec. 2. *And be it further enacted*, That the said road shall be opened fifteen feet wide, ten feet of which shall be cleared of every obstruction, stumps and grubs taken up by the roots or cut level with the ground, sloping ground and banks shall be so cut down and levelled as to insure the easy passage of all kinds of carriages, all marshes and swamps shall be cause-waye'd ten feet wide, with good and durable materials. Width of road

Sec. 3. *And be it further enacted*, That when the said Hezekiah Johnson and Thomas Harvy and their associates, shall have completed said road, and reported the same to the county court of Fayette county, it shall be the duty of the judge of the county court for said county, to appoint three discreet persons as commissioners, two of which shall reside in Fayette county, and one in Walker county, to examine said road, and report the condition of the same to the judge of the county court of Fayette county, and the said commissioners shall receive two dollars per day for their services, to be paid by the said Hezekiah Johnson and Thomas Harvy and their associates. Commissioners to be appointed, and their duty.

Sec. 4. *And be it further enacted*, That should the commissioners to be appointed by the third section of this act, report that the road has been opened, and in such order as the second section of this act requires, then and in that case the said Hezekiah Johnson and Thomas Harvy and their associates, are hereby authorised to erect a gate across said road, at such point as they may deem proper, and at said gate they are hereby authorised to demand and receive the following rates of toll from every person passing thro' said gate, to wit: for every wagon and team, seventy five cents; for every four wheeled spring carriag, seventy five cents; for every two wheeled spring carriage, thirty seven and a half cents; for every carryall, fifty cents; for every cart, twenty five cents; for every horse that is rode or packed, twelve and a half cents; for every loose horse or mule, six and one fourth cents; for each head of cattle, two cents; for each head of hogs, one cent; for each head of sheep or goats, one cent; and if any person shall pass around or through said gate, with intention to evade the payment of toll, he or she for every such offence, shall forfeit any pay to the said Hezekiah Johnson and Thomas Harvy and associates, the sum of five dollars, to be recovered before any justice of the peace with legal cost. Toll gates.

Sec. 5. *And be it further enacted*, That it shall be the duty of the judge of the county court of Fayette county, on application being made, to appoint three suitable persons, who shall proceed to examine the condition of the said road, and report the same to the said judge, and in case the said commissioners should report the road not to be in good order, he shall direct the gate to be thrown open and no toll shall be received under the penalty of twenty dollars for each offence, until said road shall be repaired, and declared to be in good order, and the said Hezekiah Johnson and Thomas Harvy and associates, shall commence the said road within one year after the passage of this act, and shall complete the same within two years Judge of county court to appoint commissioners to examine road.

thereafter, and shall have all the profits arising from the tolls of said road for the term of twenty years from the passage of this act.

Sec. 6. *And be it further enacted*, That no persons living near said gate, shall be compelled to pay toll when passing on neighborhood business.

Sec. 7. *And be it further enacted*, That the people of the county of Jefferson, shall not be compelled to pay toll for travelling said road, unless they travel the same out of the county. Apprroved Dec. 22, 1836.

No. 92.] AN ACT

To divorce John Briggs from his wife Elizabeth H. Briggs.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in accordance with a decree of the circuit court of Franklin county, exercising chancery jurisdiction, pronounced and entered at the fall term of said court, in the year one thousand eight hundred and thirty six, the bonds of matrimony heretofore solemnised and subsisting between John Briggs and Elizabeth H Briggs be, and the same are hereby dissolved and made void; and that the said John Briggs be henceforth divorced from his said wife Elizabeth H. Briggs.

Approved, Dec. 22, 1836.

No. 93.] AN ACT

To Incorporate the town of Vienna in the county of Madison.

Section 1. *Be it enacted by the Senate and House of Reprepresentatives of the State of Alabama in General Assembly convened*, That the town of Vienna, in the county of Madison, be, and the same is hereby incorporated, with all the powers, rights and liberties, and subject to all restrictions contained in the act of incorporation for the town of Huntsville, in said county.

Sec. 2. *And be it further enacted*, That David Moore, Edward Vann and William W. Waddly, be, and they are hereby authorised to hold an election for officers for said town, on the first week in May next.

Approved, Dec. 22, 1836.

No. 94.] AN ACT

To authorise the Commissioners of Roads and Revenue of Lawrence county to levy a special tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners' court of roads and revenue for the county of Lawrence, be, and they are hereby authorised at a regular term of said court, or at a special term to be called by the judge of said county court, for that purpose, to levy a special tax on the taxable property of said county, not to exceed one hundred per cent, on the taxes of said county, now authorised to be levied by said court for county purposes, for the purpose of repairing the public buildings in said county. Approved, Dec. 22, 1836.

No. 95] AN ACT

To locate permanently the seat of Justice for the county of Cherokee.

Location for location.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passge of this act, the sheriff of Cherokee county, be, and he is hereby required to open and hold an election at the different precincts in said county, first giving twenty days public notice at six or more of the most public places, and different parts of the county, by advertisement, for the permanent location of the court house for said county; the following places shall first be put in nomination, to wit: the house of John H. Garret's, Ceder Bluff; Joseph Hampton's and John C. Rhea's on Little river, and the election shall be conducted in all respects as the general elections are.

Sec. 2. *And be it further enacted,* That if neither of said places aforesaid should receive a majority of the whole number of votes given, then, and in that case, the sheriff shall proceed to hold another election, putting in nomination the two places that received the highest number of votes, giving like notice, then the place that shall receive the highest vote, shall be the permanent seat of justice in and for said county, any law to the contrary notwitstanding. Approved, Dec. 22, 1836.

Highest number of votes to fix the seat

No. 96] AN ACT

To authorise the Sheriff of Jefferson county to serve process issued by Justices of the Peace for said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the sheriff of Jefferson county to execute all process issued by justices of the peace for said county, in the same manner as constables in their respective beats, any law to the contrary notwithstanding. Approved, Dec. 22, 1836.

No. 97] AN ACT

To reduce the limits of the corporation of the town of Carrollton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the limits of the corporation of the town of Carrollton, in Pickens county, shall extend one quarter of a mile in every direction from the court house, and no further, and all laws contravening the provisions of this act, be hereby repealed.

Approved, Dec. 22, 1836.

[No. 98.] AN ACT

To amend and continue in force an Act Incorporating the Cahawba and Marion Rail Road Company, approved, January 18, 1834.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first section be so amended, as to read James B. Clark, Esq. instead of Thomas Morong and James D. Craig and P. W. Herbert, instead of William Taylor and Jabez W. Heustis; and the sixth section shall be so amended as, instead of requiring the work to be commenced within three and completed in ten years, to read, the company shall be allowed three years within which to commence and ten years to complete the same, from and after the passage of this act, and the directors may open their books for subscriptions, at such times and places as they may see proper, and the said act to which this is an amendment, is hereby continued in force for the time above stated.

Approved, Dec. 22, 1836.

No. 99] AN ACT

To Incorporate the Selma and Tennessee Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be established a company with a capital of twelve hundred thousand dollars, divided into shares of one hundred dollars each, for the purpose of constructing a rail road from Selma in the county of Dallas, to the Tennessee river, on the line between Alabama and the State of Georgia, in the direction of Ross' ferry, or some point below that ferry on the Tennessee river.

Incorporation

Sec. 2. *And be it further enacted,* That books of subscription to the capital stock of said company, shall be opened under the superintendance of the following persons, viz: William Johnson, G. Shearer, Thomas Keenan, sen. T. B. Goolsby, M. G. Woods, U. Griggsby, Josiah Hinds, Henry Fraun

Books of subscription to be opened.

and Hugh Ferguson, or a majority of them, in the town of Selma, at such time as they may direct, which said books shall remain open until the whole amount of the stock shall be subscribed; and the said commissioners, or a majority of them, may by writing, appoint such persons as they may think proper, to open books of subscription at any places, and for such time as they may deem expedient.

When stock to be paid.

Sec. 3. *And be it further enacted*, That the subscription for said stock shall be paid as follows, viz: five dollars on each share at the time of subscribing, and the remainder at such time as the directors hereafter mentioned may appoint. *Provided*, that not more than ten per cent shall be called in at any one time, and twenty days notice given in some public newspaper, for the payment of each instalment.

Election of directors.

Sec. 4. *And be it further enacted*, That the said commissioners, or a majority of them, shall after the sum of five hundred thousand dollars of said stock has been subscribed, give public notice in some newspaper, for the election of nine directors, who shall be stockholders, at such time and place, as a majority shall direct, and the stockholders either in person or by attorney, shall meet at the time and place designated, and proceed to the election of said directors, to serve for one year, and until their successors shall be elected, the said directors shall at their first meeting proceed to elect a president from their own body, and they shall have power to fill all vacancies which may be occasioned by death, resignation or otherwise, until the next annual election of directors, five members shall form a quorum for the transaction of business.

Style of company.

Sec. 5. *And be it further enacted*, That the subscribers to said capital stock, their successors and assigns, shall be and are hereby created a body corporate, by the name and style of the Selma and Tenecssee Rail Road Company, and by such corporate name, shall be capable in law, to buy and sell, hold and convey both real and personal estate, so far as the name may be necessary for the purpose of effecting the objects of the corporation hereby created, to contract and be contracted with, to sue and be sued, to plead and be impleaded, to have and to use a common seal, and the same to alter and renew when they may deem expedient, and to do all other lawful acts and things, incident and pertinent to a corporate body, and which may be necessary and proper for the convenient transaction of its own affairs, to make its own by-laws, which shall be valid in all cases. *Provided*, the same shall not be inconsistent with the constitution and laws of this State and of the United States. *Provided further*, that nothing in this act shall be so construed, as to authorise the corporation hereby created, to exercise banking privileges in any manner whatever.

Sec. 6. *And be it further enacted*, That there shall be held annually an election for nine directors, at sach time and place, as the by-laws shall direct, and in case there should be no election on the day appointed, the corporation hereby created, shall not be deemed dissolved, but the directors then in office, shall continue until a new election takes place, the directors when elected, shall have power to appoint such officers and subordinate agents as they may deem necesary, and shall be capable of exercising such power and authority for the well government and good order of the affairs of the company, as to them shall appear conducive to its interest.

Stockholders to vote in person or by proxy.

Sec. 7. *And be it further enacted*, That for the purpose of electing directors and all other purposes, wherein the vote of the stockholders may be required, each share shall count one vote, and each stockholder may vote in person or by proxy; any number of stockholders holding one fourth of the

whole number of shares, shall have power to call a general meeting of stockholders, by giving thirty days notice in some newspaper published nearest the office of said company.

Sec. 8. *And be it further enacted*, That the company by this act created, shall have full power to construct, and the exclusive right to use a rail-road from Selma in the county of Dallas to any point they may think proper, on the Tennessee river in this State, not lower down than Fort Deposit, or to any point on the Georgia or Tennessee line, in the direction to strike the Tennessee river, in the State of Tennessee at or below Ross' ferry, the said company being hereby authorised to select such route for said rail road as they may deem best and most eligible, and to own vessels, cars and locomotive engines for the transportation of passengers, merchandise and all other things and articles whatsoever, and to charge toll for the same, on the whole line of said rail road. *Provided*, that wherever said company in the construction of the rail road authorised by this act, shall find it necessary to cross any street or public road, they shall provide such fixtures as will afford a free passage for the transportation of persons or property along the said street or public road, and when it shall be necessary to pass the said rail road through the lands of any individual, it shall be the duty of the said company, at their own expense to provide for such individuals, proper fixtures for crossing said rail road. *Provided*, that this act shall not be so construed as to impair the rights conferred upon any other company heretofore incorporated.

Road to commence in Dallas and extend to some point on the Tennessee river.

Sec. 9. *And be it further enacted*, That it shall be lawful for the president and directors of said company or their authorised agent or agents at any time to take from any lands, most convenient to said rail road, such timber, stone or other materials as may be necessary for the construction thereof, or for keeping the same in repair. *Provided*, that nothing belonging to private individuals, shall be taken without adequate compensation, to be determined in the manner hereafter provided.

President and directors to take lumber, stone, &c. from off lands.

Sec. 10. *And be it further enacted*, That whenever it may become necessary for said company to take possession of, or use any lands, timber, stone or other materials owned by private individuals, for the route or cite of said rail road, or any part thereof, if the parties cannot agree on the value of the same, or when the owner is an infant, *non compos mentis*, or non-resident, it shall be lawful for the president and directors of said company, or their legal authorised agent, on giving ten days notice at least, to the party owning the same, or to his, her or their agent or attorney, to apply to the judge of the circuit or county court of the county where the same may be situated, for a writ of *ad quad damnum*, directed to the sheriff of said county to summon nine disinterested freeholders, of lawful age, to meet and value the same, and it shall be the duty of said sheriff to attend said inquest in person and receive their report, and return said proceedings to the clerk's office from whence it issued, and also to receive from said president and directors or their agents, the sums of money awarded by the persons summoned as aforesaid, and pay the same to the persons authorised to receive it, his, her or their agent or attorney, and when the amount of said award shall have been paid, it shall be lawful for said company to take possession of, and use such lands, timber, stone and other materials; but all costs and expenses incurred by the writ of *ad quod damnum*, shall be paid by the company. *Provided nevertheless*, that in no case shall any such lands or materials be valued at a lower rate than the average price for which the said tract of land or lands or other materials could be sold for, by the owner, as well as full indemnity for all other losses and inconveniences to which said owner may be subjected by such condemnation. *Provided*, the appraisers shall not be allowed

Writ to be issued.

Proviso

more than two dollars per day each, while employed. *Provided further*, that either party dissatisfied, may take an appeal to the circuit or county court, which appeal shall not impede the progress of the road.

Property vested in the company.

Sec. 11. *And be it further enacted*, That all property so assessed and paid for by said company agreeably to the provisions of this act, and all donations to and for the same, shall forever afterwards belong to, and become the property of said company, their successors and assigns.

Land, stone, &c. to be appraised.

Sec. 12. *And be it further enacted*, That it shall be lawful for the presidenl and directors of said company, or their superintendents, engineers, artists, laborers, with carts wagons, or other carriages, with their beasts of draught or burden, and all necessary tools or implements, to enter upon the lands contiguous to, or near the tract of the intended rail road, first giving notice of their intention, and doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damage that may be sustained by the owners of such grounds, to be ascertained by agreement among the parties, or in cases where they cannot agree upon the amount of damages, then by the appraisment of three indifferent persons or a majority of them, to be appointed by some justice of the peace in the county wherein the lands may be situated, and on tender of the appraised value, to carry away any timber, wood, shells or earth or stone there found most convenient for making said rail road.

To receive tolls.

Sec. 13. *And be it further enacted*, That said company shall have a right to demand and receive such tolls and fees for the transportation of goods, produce and passengers, and every other thing on said rail road, as may be by the by-laws of said company, from time to time established. *Provided*, that more than twenty five per cent on the capital stock expended on said road, shall not be received as toll in any one year. *Provided*, that the tolls or fees shall not be increased without first giving public notice thereof, and all produce, goods, merchandise or other articles and things shall be liable for tolls and fees, with which they may be chargeable, and may be detained until the owners of the same or their agents, shall pay the tollsor fees so affixed as aforesaid, or the said company may distrain any part of such goods or produce and merchandise, sufficient, by the appraisment of two disinterested persons, to satisfy the same, which distress shall be kept by the collector of tolls, taking the same for the space of twenty days, and shall afterwards be sold at public auction, at the most public place in the neighborhood, to the highest bidder; rendering the surplus on demand, if any there be, after payment of said tolls and costs of distress and sale, to the owners thereof.

Proviso.

Persons liable for damages.

Sec. 14. *And be it further enacted*, That if any person shall wilfully, by any means, injure, impair or destroy any part of the rail road, constructed under this act, or any of the works, buildings, machines, wagons, vehicles or carriages, appertaining thereto, such person shall be liable to indictment therefor, and on conviction, shall be fined and imprisoned, at the discretion of the court and jury, and moreover be liable to an action for damages at the suit of said company.

Stock assignable.

Sec. 15. *And be it further enacted*, That the stock of said corporation shall be assignable in such manner as may be directed by the by-laws thereof.

Dividends to made.

Sec. 16. *And be it further enacted*, That yearly dividends shall be made of so much of the profits of said company, as shall appear to the president and directors advisable, and once every year, the directors shall lay bofore the stockholders at a general meeting, for their information, an exact and

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within twelve months after the passage of this act, uniform themselves in such manner as they may prescribe; and they shall be exempt from all militia duty, below regimental drills and musters, unless called into actual service, and shall make due return of their strength and condition; and all fines and forfeitures, imposed or incurred by said company, by and amongst themselves, shall be applied exclusively to the use of said company.

Approved, Dec. 22, 1836.

No. 109.] AN ACT

To change the time of holding the County Courts of Chambers and Covington counties, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, the county courts for Chambers county, shall be held on the first Mondays in June and November, and may remain in session eight judicial days. Time of holding court.

Sec. 2. *And be it further enacted,* That it shall be the duty of said judge, to hold the orphans' court in said county of Chambers, at the court-house, upon the first Mondays in each and every month.

Sec. 3. *And be it further enacted,* That hereafter, the county courts in the county of Covington, shall be held on the first Mondays in January and July, and that this act shall take effect from and after the first day of March next.

Sec. 4. *And be it further enacted,* That all laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, Dec. 22, 1836.

No. 110.] AN ACT

To divorce Sarah A. English from her husband Lewis English.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in accordance with a decree of the circuit court of Baldwin county, exercising chancery jurisdiction, pronounced and entered at the fall term of said court, in the year 1836, the bonds of matrimony heretofore solemnised and subsisting between Sarah A. English and Lewis English, be and the same is hereby dissolved and made void; and that the said Sarah A. English be henceforth divorced from her husband Lewis English.

Approved, Dec. 22, 1836.

[No. 111.] AN ACT

For the relief of William *M.* King and James *M.* Nabors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William M. King, a member from the county of Jackson, and James M. Nabors, of the county of Shelby, shall be entitled to four dollars per day, from the commencement of the present session, and the milage allowed by law, from their residence to and from the seat of government, and the speaker of the house of representatives shall be authorised and required to certify accordingly.

Approved, Dec. 22, 1836.

No. 112.] AN ACT

To repeal in part an act entitled an act to regulate trials before Justices of the Peace, approved December 31st, 1830.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That hereafter, the county of Greene shall be exempt from the operations of an act, entitled an act. to regulate trials before justices of the peace, approved December 31st, 1830.

Justice of the peace may issue process to any part of county

Sec. 2. *And be it further enacted*, That from and after the passage of this act, it shall be lawful in the county of Greene, for justices of the peace in said county, to issue process against any defendant or defendants, to any part of said county, and make the same returnable or triable at any place in said county, the justice of the peace issuing the same may think proper to appoint, any law to the contrary notwithstanding. Approved, Dec. 22, 1836.

No. 113.] AN ACT

To incorporate the City Company of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*,

Company incorporated.

That William Bayard, his associates, and all and every person or persons, who now are, or hereafter may become members of the city company, their successors and assigns, shall be, and they are hereby created and made a body corporate and politic, by the name and style of the City Company of Alabama; and the said company are hereby authorised to purchase, create, hold, improve and dispose of property, to the extent, and for the purpose hereinafter mentioned; and by their corporate name to sue and be sued, plead and be impleaded, answer and defend and be answered and defended, in any court of law or equity; and may have and use a common seal, and alter the same at pleasure.

Not to hold exceeding 2000 acres,

Sec. 2. *And be it further enacted*, That said company shall not at any one time, hold or own exceeding two thousand acres of land, which, or so much thereof as to said company may seem expedient, may be laid off into lots, upon which to build a city.

Stock to be divided.

Sec. 3. *And be it further enacted*, That the capital stock of said company, shall be divided into shares of one hundred dollars each, and that the said William Bayard and his associates, and every person or corporation, who now are, or hereafter may become the owner or owners of one or more shares of said capital stock, shall thenceforth become a member of said company.

First meeting

Sec. 4. *And be it further enacted*, That the first meeting of said company, may be called by the said William Bayard, or any two or more of said members, first giving reasonable notice of the time and place of such meeting.

ocation.

Sec. 5. *And be it further enacted*, That said city shall be located upon the eastern shore of the Mobile Bay, in the county of Baldwin, commencing about twelve hundred feet from the south side of the Rio Volante, and extending thence towards the south west corner of the old English Plantation, commonly called Wigg's plantation.

Power to build

Sec. 6. *And be it further enacted*, That said company shall have power to build ships, boats and vessels, wharves, workshops, factories, ware-houses, saw-mills, cotton-presses, store-houses, dwelling-houses, hotels and such other buildings and improvements, as may be deemed necessary, ornamental or convenient, and the same to use or dispose of upon such terms and conditions as will best promote the interest of said company, and increase the prosperity of said city.

To make by laws

Sec. 7. *And be it further enacted*, That said company shall have power to make and establish all such rules, by laws and regulations for their own government, as to them shall seem necessary and expedient: *Provided*, the same shall not be repugnant to the laws or constitution of this State, or of the United States, and it shall be lawful for said company to transact all and any such business as may be prescribed by the by-laws of said company.

Sec. 8. *And be it further enacted*, That this act shall continue and be in force for and during the term of fifteen years.

Approved, Dec. 23, 1836.

No. 114] AN ACT

To abolish an Election Precinct at Town Creek Bridge, and establish one in lieu thereof at Leighton, in Lawrence county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the election precinct now established at Town Creek Bridge, in Lawrence county, be, and the same is hereby abolished; and in lieu thereof, that an election precinct is hereby established at Leighton in said county, any act to the contray notwithstanding.

Approved, Dec. 23, 1836.

No. 114) AN ACT

To incorporate the Mobile Steam Saw mill Company.

Incorporation and style.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William H. Robertson, Edward Martineau, Gustavus Beal, Archibald Besum and John J. Deshon, and such others as have or shall be hereafter associated with them, be, and they are hereby constituted and appointed a body corporate, by the name, title and style of the Mobile Steam Saw-mill Company, for the term of twenty years from and after the passage of this act, and by that name shall be, and they are hereby made capable in law, to have, purchase, receive, possess, enjoy, and retain to them, and to ther successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatever kind, nature or quality, and the same to sell, grant, demise, alien and dispose of; to sue and be sued, plead and be impleaded and answer and be answered, defend and be defended, in all manner of acts, suits, matters and things, in any court of law or equity; and also to have and use a common seal, and the same to alter, break or renew at their pleasure: *Provided always*, That it shall not be lawful for the said corporation to use any part of its capital stock or funds for banking purposes, nor to emit for circulation, any notes or bills or make any contract for the payment of money, except only under

the seal of the said corporation, and all such notes and contracts shall, to all intents and purposes be taken to operate as specialties at law.

Capital stock.

Sec. 2. *And be it further enacted*, That the capital stock of the said corporation, shall not exceed the sum of two hundred thousand dollars, in two hundred shares of one thousand dollars each.

Sec. 3. *And be it further enacted*, That the affairs of the said steam saw-mill company, shall be managed and conducted by five directors, who shall be stockholders of said company, and resident citizens of this State, and who shall hold their office for one year from the first of January next, and until there shall be a new election of directors, in pursuance of the provisions of this act.

Election of directors.

Sec. 4. *And be it further enacted*, That the stock affairs and concerns of the said corporation, shall be managed by the said directors, to be chosen or elected on the third Monday in December in each and eveay year, from and after the passage of this act, by the stockholders, at such place and under such regulations as a majority of the stockholders may determine upon and prescribe, and such election shall be made by ballot, by a plurality of votes, allowing one vote for every share. Approved, Dec. 23, 1836.

No. 115.] AN ACT

To divorce Matilda Larkins from her husband Thomas Larkins.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in accordance with a decree of the circuit court of Perry county, exercising chancery jurisdiction, pronounced and entered at the spring term of the said county, in the year 1836, the bonds of matrimony heretofore solemnised and subsisting between Matilda Larkins and Thomas Larkins, be, and the same are hereby dissolved and made void; and that the said Matilda Larkins be henceforth divorced from her said husband Thomas Larkins.

Charlotte A A Baker

Sec. 2. *And be it further enacted*, That in accordance with a decree of the circuit court of Greene county, exercising chancery jurisdiction, pronounced at the fall term of said court, in the year 1836, the bonds of matrimony heretofore solemnised and subsisting between Charlotte A. A. Baker and her husband Nathan Baker, be, and the same are hereby made void; and that the said Charlotte A. A. Baker be henceforth divorecd from her said husband Nathan Baker. Approved, Dec. 23, 1836.

No. 116.] AN ACT

To change the time of holding a County Court therein specified.

Pickens co'ty

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assemby convened*, That the first term of the county court of commissioners of revenue and roads of Pickens county, hereafter be begun and held on the second Monday of January, in every year, instead of the time now authorised by law for said court to be holden.

Montgomery

Sec. 2. *And be it further enacted*, That the county courts of the county of Montgomery, shall be holden hereafter on the third Mon-

days of June and December of each and every year, and shall continue in session six judicial days at each term.

Approved, Dec. 23, 1836.

No. 117.] AN ACT

To regulate the compensation of Clerks of the Circuit and County Courts of Tuscaloosa county, for public or extra services.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the clerks of the circuit and county courts of the county of Tuscaloosa shall each be entiled to receive, for the performance of all those duties of their respective offices, not specified in the enumeration of fees as now established by law, but which are therein designated as public services, such reasonable sum, not exceeding two hundred dollars per annum, as may be deemed equitable and just and allowed by the courts to which they respectively belong, which sum so allowed, shall be paid upon the certificate of such court, out of any money in the county treasury, as now provided by law.

Approved, Dec. 23, 1836.

No. 118.] AN ACT

For the relief of John Atkins, Jailor of Chambers county.

Appropriat'in

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of five hundred and twenty-three dollars and eighty cents be hereby allowed to John Atkins, jailor of Chambers county.

Comptroller's duty.

Sec. 2. *And be it further enacted*, That it shall be the duty of the comptroller to issue his warrant, in favor of said John Atkins, for the above amount, on any money in the treasury not otherwise appropriated.

Approved, Dec. 23, 1836.

No. 119] AN ACT

To divorce Sally C. Patterson from her husband George D. Patterson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in accordance with a decree of the circuit court of the county of Lawrence, exercising chancery jurisdiction, pronounced and entered at the fall term, in the year 1836, the bonds of matrimony heretofore solemnised and subsisting between Sally C. Patterson and George D. Patterson, be, and the same are hereby dissolved and made void; and that the said Sally C. Patterson be henceforth divorced from her said husband George D. Patterson.

Approved, Dec. 23, 1836.

No. 120] AN ACT

To authorise the Sipsey Bridge and Causeway Company to establish a Ferry for a limited time.

Ferry authorised

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Sipsey Bridge and Causeway Company be, and they are hereby authorised to establish and keep a public ferry over the Sipsey river at or near where they are now authorised by law to build a bridge across said stream, in the county of Tuscaloosa, upon the

terms, as to bond and security, as now required; which ferry shall continue until said company complete said bridge: *Provided*, There be no unnecessary delay therein; and may be used by them at any time that said bridge may be out of repair, so that it cannot be passed over; and the said company may receive the same ferriage at said ferry, as they are authorised to receive toll for crossing said bridge.

To open roads

Sec. 2. *And be it further enacted*, That said company may open any road or roads, leading to or from said bridge and causeway, upon their paying all private damages that may be assessed as incident thereto, and after they shall have opened any such road or roads, they may receive such additional toll as the court of revenue and roads of said county of Tuscaloosa may authorise from time to time, if the road so opened be in the county of Tuscaloosa, and if in the county of Pickens, then the county court of revenue and roads of Pickens county shall have the power of allowing additional toll.

Sec. 3. *And be it further enacted*, That it shall not be necessary that the directors of the said company shall be stockholders.

Approved, Dec. 23, 1836.

No. 121.] AN ACT

To change the time of holding the County Courts of Sumter county, and for other purposes.

When holden

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the county court for the county of Sumter, shall be holden on the second Mondays in January and July, in each and every year, and may continue in session for one week.

Process returnable.

Sec. 2. *And be it further enacted*, That all process issued and made returnable to said court as now fixed by law, be, and the same is hereby made returnable to said court at the term thereof, as established by this act.

Constable to be elected

Sec. 3. *And be it further enacted*, That the qualified electors, residing in the beat in the county of Sumter, in which is situated the town of Livingston, be, and they are hereby authorised, on giving ten days notice, to elect an additional constable for said beat, who shall be subject to the same rules, regulations and restrictions as are now provided by law for the government of constables.

Sec. 4. *And be it further enacted*, That all laws contravening the provisions of this act, be, and they are hereby repealed.

Approved, Dec. 23, 1836.

No. 122.] AN ACT

To incorporate the Mesopotamia Male and Female Academy.

Incorporation and style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the academy at Messopotamia, Greene county, known by the name of the Mesopotamia Male and Female Academy, shall be known and called by that name, and that Robert G. Quarles, James Loughridge, James Murphy, John H. Gray, Robert Criswell, Harvey Cleaveland, and

James H. Archibald, and their successors in office, be, and they are hereby declared to be a body politic and corporate, by the name and style of the Mesopotamia Male and Female Academy, and as such, shall be capable and liable in law to sue and be sued, to plead and be impleaded; and shall be authorised to make such by-laws and regulations as shall be necessary for the government of said academy: *Provided*, such by-laws and regulations are not repugnant to the constitution and laws of this State, and for that purpose may have and use a common seal, appoint such officers as they may think proper, and remove the same from office for improper conduct, or neglect of duty.

Right of property

Sec. 2. *And be it further enacted*, That the trustees aforesaid, shall be capable of accepting and being invested with all manner of property, both real and personal; all donations, gifts and immunities whatsoever, which may belong or appertain to said institution, or which may hereafter be conveyed or transferred to them or to their successors in office, to have and to hold the same for the proper benefit and use of said academy.

Fill vacancies

Sec. 3. *And be it further enacted*, That where any vacancy may occur by death, resignation or otherwise, of any of the trustees of said academy, the survivors or remaining trustees shall fill such vacancy in such manner as shall be pointed out by the by-laws and regulations of said incorporation.

Exemption.

Sec. 4. *And be it further enacted*, That all property owned by the trustees for the benefit of said academy, not exceeding in value twenty thousand dollars, shall be free from taxation.

Prohibiting tipling shops

Sec. 5. *And be it further enacted*, That from and after the passage of this act, no person shall be allowed to keep a tipling shop for the retailing of spirituous liquors of any kind whatsoever, within one mile of said academy, mentioned in the first section of this act.

Liabilities

Sec. 6. *And be it further enacted*, That every person offending against the provisions of the fifth section of this act, shall be liable to the same penalties as are prescribed against persons retailing spirituous liquors without license. Approved, Dec. 23, 1836.

No. 123.] AN ACT

To Incorporate the Alabama Female Athenæum.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Alva Woods, Benjamin F. Porter, James H. De Votee, William R. Hinton and Chapman A. Hester, their associates and successors, are hereby constituted a body corporate, by the name and style of the Trustees of the Alabama Female Athenæum, and by that name, shall have full power and authority to have and use a common seal, and the same to break, alter and renew at pleasure; to sue and be sued, plead and be impleaded in all kind of actions, either in law or equity, to receive donations and make purchases of real and personal estate, which shall enure to them and their successors forever; and to sell, alien and dispose of the same; and to hold real estate to the value of fifty thousand dollars; and further to pass all such by-laws, rules and regulatons as the said corporation may deem essential for the government of the same: *Provided*, that such by-laws, rules and regulations are not repugnant to the laws and constitution of this, or the United States.

Female academy in Tuscaloosa

Sec. 2. *And be it further enacted*, That the said trustees and their successors shall have power to establish, and continue in the town of Tuscaloosa, a Female Academy, under such rules, regulations and conditions, as may be deemed necessary; to establish rates of tuition, and do any such further act or acts as may be essential to the carrying on of the same: *And be it further enacted*, that the said corporation shall have authority to raise by loan, subscription or stock, such amount of funds not exceeding fifty thousand dollars, as they may find necessary, and the same to secure and recover by suit or otherwise, as may be usual and in accordance with law,

Election of president

Sec. 3. *And be it further enacted*, That said trustees, from among themselves, shall chose a president, and elect such other officers as may be essential.

To fill vacancies.

Sec. 4. *And be it further enacted*, That vacancies in the said body of trustees, and the president of said Academy shall be supplied in such manner as may be from time to time agreed upon and determined by the stockholders: *And be it further enacted*, that the buildings, lands or other property of the said Academy, shall, while used for the purpose of education, be exempt from all taxation whatever. Approved, Dec. 23, 1836.

No. 124] AN ACT

To define the limits of East Wetumpka.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the corporate authorities of the town of East Wetumpka shall be extended over the following limits, to wit: commencing at the foot of the bridge in said town and running thence along the line of the Coosa river to the line of Coosa county north, and along the south line of said county east, for one mile, thence south, to the north east corner of the Talasse Fixico Reserve, and along the north line of that reserve to the Coosa river, thence to the beginning. Approved, Dec. 23, 1836.

No. 125] AN ACT

To repeal in part an Act, entitled an Act, to authorise the Judge of the County Court and the Commissioners of Roads and Revenue of the county of Bibb, to levy a special tax for the building a jail in said county, approved, January 9, 1836.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the third section of the above recited act, be, and the same is hereby repealed.

To contract for building jail

Sec. 2. *And be it further enacted*, That the commissioners of public building in said county of Bibb, be, and they are hereby authorised to contract in such manner as they may deem proper, for the erection of said jail, and they are hereby authorised to loan at interest any money so collected and paid over to them for the purpose of building said jail in said county of Bibb, upon their taking bond with two good and sufficient securities, in double the amount so loaned. Approved, Dec. 23, 1836.

No. 126] AN ACT

To locate the site of justice for Marshall county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the sheriff of Marshall county, to hold an election at the different election precincts in the said county, on the first Monday in August next, for the permanent location of county site for said county; and it shall be the duty of the sheriff aforesaid, to advertise said election at least thirty days previous thereto, at the different election precincts in said county.

Election for location.

Sec. 2. *And be it further enacted*, That William Jordan, Wyatt Coffee, John B. Findley, Elijah Hansborough, Alexander Donaldson, Thomas Manning, L. D. Bashart, Simeon Nichols, John Baker and Samuel Commore, sen. or a majority of them, shall select and nominate one place on each side of the Tennessee river, to be voted for by the qualified voters of said county, at the time provided for in the first section of this act, for the permanent location of said county site; and it shall be the duty of the aforesaid commissioners to make said selection of places, on or before the first day of March next, and so soon as said selection is made, it shall be the further duty of the commissioners aforesaid, to report the same to the aforesaid sheriff in ten days thereafter, and it shall be the duty of said sheriff to name in the advertisment of said election the name of the places so selected to be voted for. Commissioners to select site

Sec. 3. *And be it further enacted*, That on comparing the polls of said election, the place that receives the greatest number of votes, shall be, and is hereby made and constituted the permanent location of the county site for said county of Marshall. Highest number of votes to fix the seat.

Sec. 4. *And be it further enacted*, That the county and circuit courts of said county shall be held at Claysville until the said elelection is held, and the result reported to the judge of the county court of said county. Courts to be holden at Claysville

Sec. 5. *And be it further enacted*, That the sheriff of said county shall notify the judge of the county court of said county, and the clerks of the circuit and county courts of said county, the result of said election in ten days thereafter, and it shall be the duty of said clerks respectively, to remove their offices to the place which shall be elected for the permanent site of justice for said county; and all writs and papers of whatever nature or kind that may be returnable to either of said courts, shall be properly returnable to the place so elected for said county site, any law to the contrary notwithstanding. Sheriff to announce result

Approved, Dec. 23, 1836.

[No. 127.]

AN ACT

To authorise John R. Henry and S. S Henry to erect a toll bridge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John R. Henry and S. S. Henry and their associates, be, and they are hereby authorised to erect a toll bridge across the Tennessee river, within one quarter of a mile of the mouth of Blue Water creek. Power to erect bridge

Sec. 2. *And be it further enacted*, That the said John R. Henry and S. S. Henry shall have a right to demand and receive from all persons passing over said bridge, the same toll as is received at the Florence ferry. Rates of toll Liabilities

Sec. 3. *And be it further enacted*, That it shall be the duty of the said John R. Henry and S. S. Henry to keep said bridge, when completed in good order and repair, and shall be liable for all injuries which may be sustained by any person or persons, passing over said bridge, provided said injury results from the negligence or want of proper attention to the good order or repair of said bridge. When commenced

Sec. 4. *And be it further enacted*, That that the said bridge shall be commenced on or before the first day of August next, and be completed on or before the first day of August, 1841. Not to obstruct navigation

Sec. 5. *And be it further enacted*, That it shall be the duty of the said John R. Henry and S. S. Henry, to construct the said bridge, so that the navigation of said river be not in any way or manner obstructed or rendered less convenient for ascending or descending navigation. may cross Tennessee canal

Sec. 6. *And be it further enacted*, That the said company shall have the right to cross the Tennessee canal with a bridge or boat: *Provided*, the navi- Liable for damages

gation of said canal is not injured thereby: *And provided further*, that they obtain the unanimous consent of the canal commissioners, for them to make said bridge or other conveyance to cross said canal.

Proviso. Sec. 7. *And be it further enacted*, That that the stockholders of said bridge shall be liable for and pay for all damages that any person shall sustain by any boat or other craft running against it: *Provided*, the said damage is not occasioned by any mismanagement on the part of the boatsmen: *Provided*, that nothing in this act shall be so construed as to prevent the General Assembly from altering or amending this act at any time, so as to secure a free and unobstructed navigation of the Tennessee river at all times and at all stages of water, any thing in this act to the contrary notwitstanding. Approved, Dec. 23, 1836.

No. 128,] AN ACT

To increase the salary of the Governor of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the next general election, the annual salary of the Governor of this State shall be fixed at three thousand five hundred dollars; and so remain until otherwise ordered by the Legislature. Approved, Dec. 23, 1836.

No. 129.] AN ACT.

For the relief of Mary Welbourne.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, that Mary Welbourne, wife of James Welbourne, of the county of Montgomery, is hereby authorised and enabled to have, hold and possess and enjoy property, either real or personal, as fully and as independently, as if she were a *feme sole*, to contract and be contracted with, to sue and be sued in her own name, as if she were a *feme sole*, and to do and perform with any property with which she may hereafter be invested or possessed in the same manner and to the same extent as if she were a *feme sole*, and that the same shall not be subject to the hinderance or molestation of her husband or to be liable for his debts.

Approved, Dec. 23, 1836.

No. 130] AN ACT

For the relief of Thomas Matlock.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas Matlock of the county of Clark, shall not be required to take the oath now required by law of public functionaries, but in lieu thereof, before entering on the discharge of any office or public function, to which he may be elected or appointed, he shall take and subscribe the following: I do solemnly swear that I have neither directly nor indirectly, given, accepted or knowingly carried a challenge in writing or otherwise to any person or persons, being a citizen or citizens of this State, to fight in single combat or otherwise, with any deadly weapon within or out of the State, or aided or abetted in the same, since the first day of March, 1836, and that I will neither directly nor indirectly give, accept or knowingly, carry a challenge, in any manner whatsoever, to any person, being a citizen of this State, to fight in single combat or otherwise, with any deadly weapon, in or out of this State, in any manner whatsoever, aid or abet the same, during the time for which I am elected, or during my continuence in office, or during my continuence in the discharge of my public function. Approved, Dec. 23, 1836.

No. 131.] AN ACT

To Incorporate the Fairfield and Macon Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the persons who may become stockholders in the Fairfield and Macon Rail Road Company, according to the provisions of this act, be, and they are hereby made a body politic and corporate, in deed and in law, by the name and style of the Fairfield and Macon Rail Road Company, in which name they and their successors, are hereby made capable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any court of law or equity in this State, or elswhere; to purchase, receive, hold, sell, convey and confirm real and personal estate as natural persons, to have and to use a common seal, to alter and change the same at pleasure, to pass such by-laws, rules and regulations, for the good government of said corporation, as to them shall seem proper, and generally, to exercise all powers, and to do and perform all acts, matters and things, which they may deem necessary, to carry into full and complete effect, the objects of this act: *Provided*, that the real and personal estate owned by said company, shall not exceed the sum of two hundred and fifty thousand dollars. Incorporation

Sec. 2. *And be it further enacted*, That F. T. Colbert, B. T. Williams, J. H. Frith, Gallatin Young, J. J. Garnett, F. C. Ellis, J. T. Harrison, J. R. Windham, T. S. Howard, John Pearce, S. L. Young and L. M. Bullard, be, and they are hereby appointed commissioners to open books of subscription, and they shall cause books of subscription to be opened at Fairfield, Macon and such other places, as to them may seem expedient, and shall give thirty days notice of the time and places of opening said books at the several places at which the books shall be opened, and shall publish the same in one or more newspapers, and said books shall be kept open for the space of ten days, and may be opened from time to time, until a sufficient amount of stock be subscribed, which stock, so subscribed, shall be divided into shares of one hundred dollars each, and shall be deemed and considered in law as private personal property, and the stock herepy authorized to be subscribed. shall be transferable, and all tranfers of stock shall be entered on the books of said company, and the holders thereof shall be entitled to all the benefits, and subject to all the liabilities of any original stockholder. Commissioners to open books of subscription.

Sec. 3. *And be it further enacted*, That the stockholders shall meet at Fairfield on the first Monday of May next, to elect thirteen directors, who shall be stockholders in said company, of at least ten shares each, one of whom shall be chosen president by the board, and shall take an oath faithfully to perform their duties as such; the psesident and directors shall continue in office one year from the date of election, and until their successors are chosen and qualified, which choice shall be made on the first Monday of May, annually, at such places as the board may appoint, after the first or within one month thereafter, by the stockholders; the stockholders may in all elections of officers, engineers, agents and servants of said company, vote either in person or by proxy, and shall be entitled to one vote for every share of stook, he, she or they may hold in said company: *Provided*, that no one stockholder shall be entitled to more than one hundred votes; a majority of votes shall in all cases elect, or remove any officer, engineer or agent or servant of said company; but to remove the president or any director, it shall require the vote of a majority of two thirds of the whole number of stockholders in value. Thirteeen directors to be elected. Proviso.

Sec. 4. *And be it further enacted*, That the directors of said company when they shall be organised, agreeable to the third section of this act, To borrow money.

shall have power to borrow money, contrct debts and be contracted with upon the credit of the stock thereof, and to pledge personal and real estate for the payment of their debts, to appoint such officers, agents and servants as they may think necessary, and give them such compensation as they may conceive just, they may require such instalments to be paid on the stock and at such times as they may think best, for the interest of said company.

To sell stock.

Sec. 5. *And be it further enacted*, That upon failure of any stockholder to pay the amount due upon his, her or their stock, in pursuance of any call made by the president and directors aforesaid, said president and directors may upon giving sixty days notice, at three or more public places, one of which shall be at the place of holding the annual elections, proceed to sell the shares of stock owned by said stockholders, or such part thereof, as they may think best, to the highest bidder, and if upon the sale of shares owned by said defaulting stockholders, said stock shall be sold for less than par value, said stockholders shall be liable to pay to said company, said deficiency in the sale of said stock, in the manner and form hereinafter specified.

Courts to render judgment against defaulting stockholders.

Sec. 6. *And be it further enacted*, That upon the failure or refusal of any stockholder to pay any instalment upon his stock called for or demanded by the president and directors of said company in manner and form specified in the fourth section of this act, or if upon the public sale of the share of any stockholder in said company, said shares or stock shall be sold for less than their par value as specified in the fifth section of this act, said president and directors may upon giving said defaulting stockholders at least thirty days notice in writing thereof, proceed by their attorney duly constituted and appointed under the common seal of said company, to move either the circuit or county court of the county in which said stockholder may reside for judgment against said stockholder for the amount called for by the president and directors, in manner and form as specified in the fourth section of this act, as the case may be, for any deficiency as may occur in the sale of said stock, as above specified, and said court is hereby authorised and required to render judgment against any such defaulting stockholder upon such motion being made as aforesaid: *Provided*, said court shall be satisfied that the requisite notice has been duly served upon said stockholder, at least ten days previous to the day on which said motion may be made, which judgment so given, shall bind the real and personal property of said stockholder, as in case of ordinary judgments rendered in a court of record in this State, and all notices hereby required to be given to any defaulting stockholder, shall be served by the sheriff or his deputy, or coroner of the county in which it is intended that such motion is to be made, it shall be returned to the office of the clerk of the court to which such notice appears by its face to be returnable, for which said sheriff shall be entitled to receive one dollar and fifty cents, which together with all other costs accruing on said motion, shall be paid by the party against whom judgment may be rendered, and all other costs, accruing on said notice, shall be governed by the ordinary rules and regulations of the court in which said motion may be made.

Proviso.

Road to commence at Fairfield.

Sec. 7. *And be it further enacted*, That said board of directors shall commence said road at the public landing in Fairfield in Pickens county, and extend the same in the most eligible direct route, to the Mississippi State line, in the direction to Macon, in Mississippi: *Provided*, that nothing in this section, shall be so construed as to prevent the board of directors from letting out contracts and carrying into completion all parts of said rail road at one and the same time.

Sec. 8. *And be it further enacted,* That said board of directors shall be authorised to contract for and receive conveyances of land, stone, timber and gravel, which may be required in the construction of said road and when the owner and company cannot agree as to the price, or when the owner is an infant, non-resident or *non-compos mentis*, then it shall be lawful for the president and directors of said company to apply to the judge of the county court of the county where such lands or other property may be situated, whose duty it shall bo to issue his warrant, directed to the sheriff of the county, commanding him to summons a jury of freeholders to consist of seven, a majority of whom shall be authorised to assess the damages under the same rules and regulations, as is by law prescribed in the cases of county roads, and the said jury shall forthwith assess the value of said land, stone, timber or gravel, subject to the right of appeal to the circuit court, and such appeal shall be *de novo*, as in other cases, and the same shall be returned to the office of the clerk of the county court of the proper county; and at the next term of the commissioners' court, the same shall be affirmed and made final, and the land, stone and timber, so contracted for, or so condemned, shall enure to the company forever, unless the State shall purchase the same, as provided for in this act, upon the payment of said money to the person contracted with, or into court where the property is condemned, and the whole proceedings shall be entered of record in said court, at the costs of said company: *Provided however*, that said work shall be in no wise delayed on account of the proceedings had as aforesaid, but the said board on tendering the sum to which the land, stone, gravel or timber shall have been valued, to the owner, or depositing the same in the office of the clerk of the county court, they shall be authorised to proceed with such works as though no appeal had been taken, and when no greater damages shall be assessed upon the trial of said appeal than was assessed by the jury in the first instance, the party taking such appeal, shall pay the costs.

To receive conveyances.

Proviso.

Sec. 9. *And be it further enacted,* That said president and directors, after having the tract of country upon which said rail road is to run, surveyed and selected, may proceed to let the same to contract in such sections or precincts as they may deem proper: *Provided*, that they shall give sixty days notice of the time and place of letting the same to contract: *And provided also*, that they shall commence the said rail road within two and complete it within five years, or forfeit the charter hereby given.

To let to contract.

Sec. 10. *And be it further enacted,* That said president and directors shall have power to call meetings of the stockholders at any time, a majority of the stockholders in value, either by person or by proxy shall be able to form a quorum, they shall have power to remove the president or any director in the manner and form herein before specified, and elect others in their stead, and whenever a vacancy shall occur in said board, they shall fill it until the next annual meeting of the stockholders.

To call meetings.

Sec. 11. *And be it further enacted,* That in the construction of said rail road, the president and directors shall not in any manner obstsuct any of the public roads which now are or hereafter may be established, but shall provide suitable and convenient ways by which they may cross said rail-road.

Sec. 12. *And be it further enacted,* That it shall be the duty of the president and directors to report to the annual meeting of the stockholders and exhibit a clear and distinct statement of all the affairs of said company, they shall report the receipts and disbursements and after the work shall have been completed, they shall declare and pay over dividends annually to the stockholders or semi-annually, should the stockholders require it.

To make reports.

Sec. 13. *And be it further enacted*, That said road with all works, improvements and machinery of transportation used on said rail road, with all the rights, privileges and immunities properly belonging or appertaining to them, are hereby vested in said company as a corporate body forever, unless the State shall purchase the same, as provided for by this act.

Sec. 14. *And be it further enacted*, That after completing said road, or any part thereof, the said president and directors may lay and collect toll or freight from all persons, property, merchandise or other commodities, transported thereon: *Provided*, that said toll or freight shall never amount to more than twenty five per centum per annum upon the amount expended in said work: *Provdied further*, that the company incorporated by this act shall not have banking powers to be exercised in this State.

To collect toll

State can purchase.

Sec. 15. A*nd be it further enacted*, That at the expiration of fifty years, the State of Alabama shall be authorised to purchase said stock at its par value, and if at the end of that time the State should not so purchase said stock, the right of purching the same at its par value, shall be reserved to the State for every subsequent period of ten years. Approved, Dec. 23, 1836.

[No. 132.] AN ACT

For the relief of William Irwin and John Curry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in all cases where it is necessary for William Irwin and John Curry to take or subscribe the oaths contemplated by the laws of this State against duelling, be confined in point of time to the first day of January, 1837.

Approved, Dec. 23, 1836.

[No. 133.] AN ACT

For the better regulation of the Militia therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the militia of that part of St. Clair county, called Coosa Valley, be, and the same is hereby attached to the twelfth regiment in the third brigade and seventh division of Alabama militia, and that all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed.

Approved, Dec. 23, 1836.

No. 134] AN ACT

To authorise the Commissioners of tha sixteenth section, to hold elections in Wilcox county, where the same yet remains unsold.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That nothing in the law, which is now in force in relation to the power of commissioners of the different sixteenth sections in Wilcox county, unsold, shall be so construed, as so prevent the commissioners, annually holding elections in their respective townships in relation to the sale of the same, and whenever the election is so held, and a majority are in favor of selling the same, the sale in all cases shall be conducted as is now provided by law.

Approved, Dec. 23, 1836.

No. 135] AN ACT

To amend the charter of the Tuscumbia, Courtland and Decatur Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the election holden by the stockholders of the Tuscumbia, Courtland and Decatur Rail Road Company for president and directors, on the second Monday in August,

1836, is hereby legalized, and that said president and directors shall and may hold their offices until the second Monday in August, 1837, and until their successors shall be elected; and the time for holding the annual election for president and directors of said company, and of making the annual reports of the same, shall hereafter be on the second Monday in August in each year. Approved, Dec. 23, 1836.

No. 136] AN ACT

To authorise the building of a Court House in the county of Morgan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commissioners of roads and revenue of Morgan county and their successors in office, be, and they are hereby authorised, whenever they may deem it expedient, after the first day of January, one thousand eight hundred and thirty seven, to levy and collect a special tax, not in any one year to exceed the State tax for the year one thousand eight hundred and thirty five, and to continue the same from year to year until the fund arising thereby shall be sufficient to defray all the expenses incurred in building a court house in the town of Sommerville: *Provided,* that the amount to be raised, shall not exceed in the whole the sum of five thousand dollars. **To levy a tax**

Sec. 2. *And be it further enacted,* That the judge and commissioners aforesaid, be, and they are hereby authorised to contract in such manner as they may deem proper, for the erection of said court house.

Approved, Dec. 23, 1836.

No. 137.] AN ACT

To establish a ferry over the Alabama river at Benton, and vesting the same in the town council of Benton.

Section 1. *Be it enacted by the Senate and House of Reprepresentatives of the State of Alabama in General Assembly convened,* That a public ferry shall be, and the same is hereby established over the Alabama river at the town of Benton, in Lowndes county, and vested in the town council of the town of Benton, and their successors in office. **Ferry established.**

Sec. 2. *And be it further enacted.* That the town council shall be allowed to ask and demand for crossing said ferry, to wit: for every wagon and other four wheel carriage, seventy five cents; for every two wheeled carriage, thirty seven and a half cents; for every man and horse, twelve and a half cents; for every foot passenger, led horse or head of cattle, six and one fourth cents; for every head of hogs, sheep or goats, two cents. **Rates of toll.**

Sec. 3. *And be it further enacted,* That the town council shall give bond with security, to the judge of the county court of Lowndes county, with the same conditions as the keepers of other ferries, are now by law required to give. **To give bond.**

Approved, Dec. 23, 1836.

No. 138] AN ACT

To authorise the Commissioners' Court of the county of Lauderdale, to levey an additional tax, for county purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the county court and commissioners of roads and revenues, of the county of Lauderdale, shall have power to levy a county tax, sufficient for the erection of such bridges in said county, as in the judgment of said court, shall be necessary for the public good. Approved, Dec. 23, 1836.

No. 139.] AN ACT

To incorporate the Royal Street Hotel Company.

Preamble. WHEREAS, William Jones, jr. Peter Remson, John Remson, Jonathan Emanuel, George S. Gaines. S. V. V. Schuyler, William F. Cleveland; James F. Roberts, Joseph Bates, Abner S. Lipscomb, and others their associates, have subscribed to the purchasing of a lot of ground at the intersection of Royal and St. Michael Streets, in the city of Mobile, for the purpose of erecting on the same, a Hotel. And now to the end, and better to enable them to carry the object of their association into effect.

Company incorporated. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the above named, William Jones Jr. Peter Remson, John Remson, Johnathan Emanuel, George S. Gaines, S. V. V. Schuyler, William F. Cleveland, James F. Roberts, Joseph Bates and Abner S. Limpscomb, and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, under the name of the Royal Street Hotel Company, and by that, shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered unto, in all courts having competent jurisdiction, and may have and use a common seal, and the same, to break, alter and renew at pleasure; and shall be vested with all the powers and privileges necessary to the object of their incorporation, as hereafter defined and limited.

To own estate Sec. 2. *And be it further enacted,* That the said corporation shall have power to own real estate, not exceeding in value, five hundred thousand dollars, and to erect buildings thereon, and the same to sell, convey or to farm let, as to the President and Directors, to be hereafter chosen, shall seem proper.

Capital stock. Sec. 3. *And be it further enacted,* That the capital stock of the said corporation, shall not exceed five hundred thousand dollars, to be devided into shares of five hundred dollars for each share, to be paid at such times, and in such proportions, and at such places, and under such penalties and forfeitures, for the failure to pay, as the President and Directors shall order and direct, award and appoint, they giving thirty days notice of the time and place, and the amount of the payment required, and of the penalties and forfeiture for non-payment, in some newspaper published in the city of Mobile.

To give notice Sec. 4. *And be it further enacted,* That it shall be the duty of William Jones Jr. Johnathan Emanuel and Abner S. Lipscomb, as soon after the passage of this act of incorporation, as convenient, to give thirty days notice, by publication, in some newspaper published in the city of Mobile, to the subscribers to the said stock, to meet at such time and place, as shall in the said notice be designated, for the purpose of electing from their number, nine Directors, to manage and conduct the affairs of the said corporation, at which election, each share shall be entitled to one vote, and the stockholders may vote in person or by proxy.

President to be elected. Sec. 5. *And be it further enacted,* That the Directors, when so chosen and elected, may and shall elect from their own number, a President, to preside at their meetings, and the said Directors shall

continue in office two years, and until their successors shall have been elected, and should a vacancy happen in the Board of Directors, by death, resignation, or by a director ceasing to be a stockholder, it shall be the duty of the remaining Directors, to fill such vacancy from the stockholders, and the person so appointed, shall continue in office, for and during the time for which his predecessor had been elected.

Sec. 6. *And be it further enacted*, That there shall be an election holden every two years by the stockholders, for the election of the Board of Directors, to be conducted in the same way that is provided for the first election of Directors. Election to be holden.

Sec. 7. *And be it further enacted*, That the President and Directors, shall have power to make and ordain such by laws, not inconsistent with the laws of this State, nor of the United States, as may be necessary to the ordering and well conducting the affairs of said corporation. To ordain by-laws.

Approved, Dec. 23, 1836.

No. 140.] AN ACT

To authorise the Mayor and Alderman of the town of Florence, to levy an additional tax, for the purpose of making certain improvements in said corporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Mayor and Aldermen, in the town of Florence, in the county of Lauderdale, shall have power to levy an additional incorporation tax, for the purpose of prosecuting certain works in Court street, now under progress, which sum shall not exceed six thousand dollars.

Approved, Dec. 23, 1836.

No. 141.] AN ACT

To authorise John Martin to build a toll bridge across the little Warrior river, in the county of Blount.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Martin and his associates, be, and they are hereby authorised to build a toll bridge across the little Warrior river, where the Tuscaloosa road now crosses the same, provided the same do not obstruct the present ford of said river. To build a toll bridge.

Sec. 2. *And be it further enacted*, That the said John Martin, and his associates, be and they are authorised to take and receive the following rates of toll, to wit: for every four wheeled pleasure carriage, fifty cents; for every two wheeled pleasure carriage, thirty-seven and a half cents; for every waggon and team, fifty cents; for every cart, twenty-five cents; for every man and horse, twelve and a half cents; for every foot passenger, six and a fourth cents; for every head of horses, three cents; for every head of cattle, two cents; for every head of hogs and sheep, one cent. Rates of toll.

Sec. 3. *And be it further enacted*, That the said John Martin and his associates, shall forfeit and pay such fine or sums, as may be recovered before any justice of the peace, or judge of the county or circuit court, having conisance of the same, for all damages that may be done to any passenger or passengers, in crossing said bridge, if occasioned by neglect on the part of the proprietors of said bridge. To pay fines.

Commence bridge.

Sec. 4. *And be it further enacted*, That the aforesaid John Martin and his associates, shall commence the construction of said bridge within one year after the approval of this act, and complete the same within two years, and shall have and enjoy the same, for the period of fifteen years, any law, usage or custom to the contrary notwithstanding. Approved, Dec. 23, 1836.

No. 142.] AN ACT

To locate the Seat of Justice in the county of Russell, and for other purposes.

Commissioners appointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That George W. Elliott, William Sells, Vincent E. Revere, H. B. Greene and William Riley, be and they are hereby appointed commissioners, whose duty it shall be to meet on the first Monday in February next, at some convenient place, in the county of Russell, and proceed to the selection of a suitable site, whereupon to fix the seat of justice in said county, as near the centre as practicable.

Purchase site.

Sec. 2. *And be it further enacted*, That when said commissioners, have made the selection, according to the provisions of the first section of this act, then it shall be their duty, to make a purchase of the site so selected, *Provided*, the same shall not exceed, in quantity, one quarter section of land, and the said commissioners after purchasing the site, as aforesaid, shall have power to lay off into lots, in such size, as to them shall seem most expedient, and the tract of land so purchased by them, to sell and dispose of in such manner as they may judge best for the public interest, and the money arising from such sale, shall belong to the county of Russell, after paying the purchase money for the same, and shall be appropriated by said commissioners to the building of a Jail and Court House in said county, in such manner as is hereinafter specified: *Provided*, That said commissioners, shall reserve from sale, one or more lots for the purpose of erecting on the same a Court House and Jail in said county.

Contract for building.

Sec. 3. *And be it further enacted*, That the said commissioners, are hereby authorised to contract for the building of a Court House and Jail, in said county or either of them to the lowest bidder, giving at lest twenty days public notice of the time and place of letting out the said work, bond and security shall also be taken by them of the undertakers, for the fathful performance of the contract, in a sum not less than ten thousand dollars.

Record of proceedings.

Sec. 4. *And be it further enacted*, That said commissioners, shall keep a fair record of their proceeding in the clerk's office of the county court aforesaid, shewing their expenditures, the amount of sales and such other items as they may deem necessary.

Allowance to commissioners.

Sec. 5. *And be it further enacted*, That the commissioners shall be allowed to retain, from the proceeds arising from the sale of the lots, one dollar and fifty cents per day for their services, and in all cases, a majority of the commissioners hereby appointed, shall be sufficient to act, and all vacancies, which may occur among said commissioneas, shall be filled by those remaining in office; a record of every such appointment shall be made with the other proceedings of said commissioners.

Sec. 6. *And be it further enacted*, That the circuit and county courts, shall continue to be held in the town of Girard, until such time, as said commissioners, appointed by this act, for that purpose, shall provide a suitable house at the new Court House site, selected by them under this act, wherein to hold the said courts.

Commissioners qualified.

Sec. 7. *And be it further enacted*, That it shall be the duty of the commissioners, appointed under this act, before entering upon the discharge of the duties herein assigned them, to take an oath, before some person authorized by law to administer oaths, faithfully and impartially to perform their respective duties as commissioners, to the best of their skill and ability.

Sec. 8. *And be it further enacted*, That in case said commissioners fail to meet, as provided for by this act, on the first Monday in February, then and in that case, they may meet at any subsequent time, in the year eighteen hundred and thirty-seven.

Levy tax.

Sec. 9. *And be it further enacted*, That in case the proceeds, arising from the sale of lots, as provided for in the foregoing sections of this act, shall fall short of building the Court House and Jail in said county, then and in that case, the commissioners' court of revenue and roads, shall be authorised to levy a special tax for that purpose: *Provided*, the same shall not exceed one hundred per cent. in any one year, upon the State tax for eighteen hundred and thirty-five: *And provided further*, that the said special tax, shall not in the whole, exceed two thousand dollars.

Repeal

Sec. 10. *And be it further enacted*, That all laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, Dec. 23, 1836.

[No. 142.]

AN ACT

To incorporate Union Town in the county of Perry.

Corporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the village known as Union Town in the county of Perry, be and the same is hereby incorporated, and that all that territory lying and being within one quarter of a mile of the square formed by the crossing of the two principal streets in said town, and at the north-east corner of which square, stands the tavern owned by David Fluker, be and the same is hereby declared to be within the limits of the same.

Election to be holden.

Sec. 2. *And be it further enacted*, That on the first Monday in March next, and in each and every year thereafter, an election by ballot for five councillors, resident, land or house holders, shall be held at some convenient and public place in said town, who shall serve for the term of one year after they shall have been elected; the first election shall be held and managed by William Hood, John Werash, David Fluker, James A. Mosely and William J. McKerall, or any two of them, and all subsequent elections shall be held by two of the councillors, to be appointed by the board for that purpose, and the said councillors so elected, shall on the next day after such election, in each and every year, meet and elect by a majority

of votes, from their own body an Intendant, whose duty it shall be to preside and keep order at all meetings of said councillors, and in his absence or incapacity, any other member may be called to the chair, and the said councillors shall be and they are hereby constituted a body corporate, by the name and style of the Intendant and Council of the town of Union Town, and by that name they and their successors in office, shall be capable in law of suing and being sued, pleading and being impleaded, in all manner of suits either in law or equity, and also to have and to keep a common seal, and the same to break, alter and amend at pleasure, and in general to do all acts which are incident to bodys corporate, and to purchase, hold and dispose of for the benefit of said town, real, personal or mixed property to the amount of five thousand dollars.

Commissioners to pass by-laws.

Sec. 3. *And be it further enacted*, That the said corporarion shall have power to ordain or pass all such ordinances, resolutions, and make all such regulations as may by them be deemed necessary for the good order and government of said corporation, which may extend to the preservation of health, to prevent and remove nuisances, to license, tax and restrain theatrical amusements, shows and nuisances of all kind whatsoever, within said corporation, to restrain and prohibit every species of gambling, drunkeness, profane swearing or other obscene and unlawful language, assaults and batteries, and all other breaches of the peace, appoint night watches and patrols when necessary, to clean and keep in repair the streets of said town, to remove and prohibit tresspasses on the same, to collect taxes on all property, both real and personal, including poll taxes within said corporation for the purposes of defraying the expenses of the same, to grant licenses to retailers of spirituous liquors, to regulate and restrain them when deemed a nuisance, to grant licenses to and tax merchants and auctioneers, to prevent the introduction of contagious or infectious diseases within the town, to restrain and prohibit all nightly or disorderly meetings or assemblages of slaves, free-negroes or mulattoes and other knavish or disorderly persons, arrest and sell vagrants for a term not exceeding three months, who have no known place of residence, and cannot shew how he or they obtain an honest livelihood, to restrain and prevent all free persons from trading with negroes, without an order written or verbal from his or her owner or an agent or overseer, and in general to pass such by-laws, not contrary to the constitution of this State and the laws thereof, as the corporation shall from time to time deem expedient and necessary to carry into effect the meaning and intention of this act, and the same to put into execution, to revoke and alter as the said corporation shall deem expedient; the said corporation shall have power to appoint a treasurer, assessor, collector and constable and such other subordinate officers as they may think necessary, and by ordinance require security from the several officers so appointed, to annex such fees to the several officers, not exceeding fifty dollars, as they may deem necessary; they are hereby also impowered, to levy such fine or fines, not exceeding fifty dollars, for any breach of their by-laws, as they may deem proper,

and all fines by them imposed, shall be sued for in the name of the corporation, before any justice of the peace, and the money so recovered shall be paid to the treasurer for the benefit of said town: *Provided*, that this act and all the by-laws and ordinances of the said corporation, shall be at all times subject to revision or repeal by the general assembly.

Vacancies filled.

Sec. 4. *And be it further enacted*, That when vacancies shall happen in the board of councillors, by death, resignation or otherwise, such vacancies shall be filled by the board, and the member or members so added, shall continue in office until the succeeding annual election.

Sec. 5. *And be it further enacted*, That should the election not take place on the day fixed for the annual election of councillors, the board shall not for that cause be dissolved, but the incumbents shall remain in office until their successors are elected, and it shall be one month thereafter, on which day two of the councillors shall attend and hold an election for councillors.

Appoint a clerk.

Sec. 6. *And be it further enacted*, That the said intendant and council shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings, and publish the same and all laws and ordinances in some public newspaper or at three public places in said town.

To take an oath.

Sec. 7. *And be it further enacted*, That the intendant and councillors first appointed and their successors in office, shall severally before they enter upon the duties thereof, take an oath before some person qualified to administer the same, that they will faithfully discharge the duties to them committed, without favor, affection or partiality, a certificate of which oath shall be filed with the clerk of the board of councillors.

Sec. 8. *And be it further enacted*, That each and every person who may be elected a councillor for said town, shall *ex-officio* be a justice of the peace within the limits of the same, for the purpose of executing and carrying into effect the by-laws and ordinances of said corporation.

Sec. 9. *And be it further enacted*, That all white male inhabitants, above the age of twenty-one years, who shall have resided within the limits of the said town, six months immediately preceding an election for councillors, and all land holders or free holders therein, shall be deemed qualified electors at such election.

Working on roads.

Sec. 10. *And be it further enacted*, That all persons residing within the limits of said corporation, shall be exempt from working on roads within said corporation.

Sec. 11. *And be it further enacted*, That the intendant of the town of Union Town, shall be and he is hereby authorised and impowered to exercise all the jurisdiction, duties and powers which appertain to and are exercised by justices of the peace in Perry county, and shall be subject to the same penalties and liabilities; and the constable authorised to be appointed by this act, shall possess all the powers and be authorised to discharge all the duties which other constables of said county are; and such constable and his securities, shall be subject to the same penalties and liabilities, as attach

by law to other constables; and the constable appointed under the provisions, shall give bond with approved and sufficient security, in such an amount as shall be determined by the intendant and council of said corporation, for the faithful performance of his duty, which said bond shall be filed in the office of the clerk of the county court of said county. Approved, Dec. 23, 1836.

No. 143] AN ACT

To authorise a Brigade encampment of the Commissioned Officers, in the 13th Brigade 5th Division, of Alabama militia.

Brigade encampment.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the brigadier general in command of the above brigade, to convene and hold at some central point, in said brigade, to be selected by him, a brigade encampment of all commissioned officers of said brigade one in every year, which encamptment may be continued for five days by the said brigadier general.

Officers fined.

Sec. 2. *And be it further enacted,* That any commissioned officer in said brigade, who shall fail, neglect or refuse, to attend any such encampment, may be fined by a court martial, to be detailed by a brigadier general or other officer highest in command, to consist of five officers; if he be a Colonel, any sum not exceeding two hundred and fifty dollars; Lieutenant Colonel or Major, any sum not exceeding one hundred and fifty dollars; Captains not exceeding one hundred dollars, and all other officers not exceeding seventy-five dollars. The same to be collected as other militia fines.

Approved, Dec. 23, 1836.

No. 144.] AN ACT

For the relief of certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be and there is hereby appropriated from any moneys unappropriated in the treasury, the following sums for the payment of debts due to individuals hereafter named, for forage, provisions and ammunition, furnished to troops in the service of the State, and for services rendered to the same. To Franklin Armstrong & Co. three hundred dollars; to Joel Higgins, two hundred and fifty dollars; to Elizabeth Cornals, one hundred and ninety-eight dollars and eighty-eight cents; to Pleasant Macon, one hundred dollars and ten cents; to John Freeman, fifty two dollars; to Green Beauchamp, one hundred and fifty-four dollars; to John S. Greene, thirty-three dollars and five cents; To John Jackson, four hundred and nine dollars and fifty-five cents; to G. C. Minn, fourteen dollars; to Moses Pearson, seventeen dollars and fifty cents; to Joseph P. Clough, thirteen hundred and twenty-five dollars and thirty-four cents; to John Rotts, twenty-five dollars; to John Chaney, eleven dollars. Approved, Dec. 23, 1836.

No. 145.] AN ACT

To divorce Mary Ann Harrison from her husband William Harrison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That in accordance with a decree of the circuit court of the county of Conecuh, exercising chancery jurisdiction, pronounced and entered at the fall term of said county, in the year 1836, the bonds of matrimony heretofore solemnised and subsisting between Mary Ann Harrison and William Harrison, be, and the same are hereby dissolved and made void; and that the said Mary Ann Harrison be henceforth divorced from her said husband William Harrison.

Approved, Dec. 23, 1836.

No. 146] AN ACT

To divorce Polly Howell from her husband Mansell Howell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That in accordance with a decree of the circuit court of Tuscaloosa county, exercising chancery jurisdiction, pronounced and entered at the spring term of said court, in the year 1836, the bonds of matrimony heretofore solemnised and subsisting between Polly Howell and Mansell Howell be, and the same are hereby dissolved and made void: and that the said Polly Howell be henceforth divorced from her said husband Mansell Howell.

Approved, Dec. 23, 1836.

No. 147.] AN ACT

The better to organise the Circuit Courts of Mobile county, and to regulate the proceedings therein, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the causes on the docket of the circuit court of Mobile county, shall be taken up and disposed of in the order in which they stand, without regard to the nature of the actions, whether they be appeals or personal or real actions.

Spring term, when holden

Sec. 2. *And be it further enacted,* That from and after the passage of this act, the spring term of the first judicial circuit shall be holden at the times following, to wit: In the county of Conecuh, on the third Monday in March, in each and every year, and continue one week; in Monroe, on the fourth Monday in March, and continue one week; in Clarke, on the first Monday in April, and continue one week; in the county of Washington, on the second Monday in April, and continue one week; in the county of Baldwin, on the third Monday in April, and continue one week; and in the county of Mobile, on the fourth Monday in April, and continue until the whole of the business is disposed of.

Fall term, when holden

Sec. 3. *And be it further enacted,* That the fall term of the first judicial circuit shall be holden as follows, to wit: In the county of Conecuh, on the first Monday in October; in the county of Monroe, on the second Monday in October; in the county of Clarke, on the third Monday in October; in the county of Washington, on the fourth Monday in Otober, in the county of Baldwin, on the first

Monday after the fourth Monday of October: and in the county of Mobile, on the second Monday after the fourth Monday in October.

Juries for Mobile county.

Sec. 4. *And be it further enacted*, That in the county of Mobile; juries shall be drawn for six weeks, in the manner now prescribed by law, and if the business of the said courts shall not be disposed of in that time, it shall be the duty of the circuit judge to issue a *venire facias*, from week to week, so long as the business in the court shall require.

Fine

Sec. 5. *And be it further enacted*, That the circuit court of Mobile county shall be, and it is hereby invested with the power to fine defaulting jurors in a sum not less than fifty dollars, nor more than two hundred dollars.

Repeal.

Sec. 6. *And be it further enacted*, That so much of the act passed on the fifteenth day of January, 1831, as exempts the officers and men composing the City Troop of horse, within the city of Mobile, from serving on juries, be, and the same is hereby repealed: *Provided*, This act shall not take effect until the first day of August next.

Approved, Dec. 23, 1836.

No. 148] AN ACT

For the relief of James Trim.

Preamble

WHEREAS, it is represented by the petition of James Trim, that on the night of the 15th of November last, his dwelling house, together with his household furniture and all other property therein was consumed by fire:

And whereas, it is further represented by said petition, that said James Trim sustained a loss of four hundred and seventy dollars, by destruction of bank notes of the Bank of the State of Alabama, to that amount, therefore,

Appropriati'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the president and directors of the Bank of the State of Alabama be, and they are hereby authorised to pay to said James Trim, the sum of four hundred and seventy dollars, upon his making proof to their satisfaction of said loss by fire, and that the notes were of the Bank of the State of Alabama.

Approved, Dec. 23, 1836.

No. 149] AN ACT

To attach a part of Benton county to Talladega county, and for other purposes.

Boundaries.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county line of Benton and Talladega, shall commence at a point on the Coosa river, where the sixteenth and fifteenth townships intersect said river, thence east to a road leading from Driver's Ferry to David Conner's, thence with said road to Benton and Talladega county line, which shall constitute a part of Talladega county, that the county line of Benton and Cherokee shall commence at a point on the Coosa river, four miles north of the mouth of Wills' creek, thence east to the Georgia line; which shall constitute and be a part of Benton county.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act be, and the same are hereby repealed. Approved, Dec. 23, 1836.

No. 150.] AN ACT

To Incorporate the Alabama Mutual Insurance Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Scott, James P. Merriwether, George Matthews, Robert Harwell, George Whiteman, Josiah Dyer, C. T. Poliard, Robert H. Goldthwaite, Joseph Fitzpatrick, James Vickers, T. M. Cowles, G. Goldthwaite, John K. Barton, Justus Wyman, Daniel Moseley, jr. Jack Thorington, John Duncan, James M. Tarlton, Edward Hanrick, Mosely Hooker, B. S. Bibb, William B. S. Gilmer, N. M. Marks, B. D. Hassell, Daniel Sayre, William J. Campbell, S. Catlin, J. Catlin and T. W. Fleming and all the persons who may hereafter become members of said company in the manner herein prescribed, be, and they are hereby incorporated and made a body politic, by the name of the Alabama Mutual Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture and merchandise against loss or damage by fire, whether the same shall happen by accident, lightning or by any other means, excepting that of design in the assured or by the invasion of an enemy or insurrection of the citizens of this or any of the United States, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record or other place whatever, may have and use a common seal, may purchase and hold such personal and real estate as may be necessary to effect the object of their association, and the same may sell and convey at pleasure, may make, establish and put in execution such by-laws, ordinances and resolutions not being contrary to the laws of the State, as may seem necessary or convenient for their regulation and government, and for the management of their affairs; and do and execute all such acts and things as may be necessary to carry into full effect the purpose intended by this grant. Incorporation

Sec. 2. *And be it further enacted*, That all and every person and persons who shall at any time become interested in said company by insuring therein and also their respective heirs, executors, administrators and assigns, continuing to be insured therein as hereinafter provided, shall be deemed and taking to be members thereof for and during the terms specified in their respective polices and no longer, and shall at all times be concluded and bound by the provisions of this act.

Sec. 3. *And be it further enacted*, That there shall be a meeting of said company at Montgomery in the county of Montgomery, on the first Monday in February annually, on such other day as the said company may hereafter determin, notice of which shall be given by the secretary, or on his failure, by the president or either of the directors, stating the time, place and design of said meeting by publication, three weeks successively in at least two newspapers printed within this State, only one of which shall be in the same county, the last of which publication shall be at least ten days previous to the time of holding said meeting; at which meeting shall be chosne by a major vote of the members present, a board of directors consisting of not more than nine nor less than five members, who shall continue in office until others shall have been chosen and accepted the trust in their stead; all vacancies happening in said board may be filled by the remaining members, until the next annual meeting, and a majority of the whole number shall constitute a quorum for the transaction of business; special meetings of Meeting of the board.

the company may be called by order of the directors, or in such other manner as the by-laws thereof may prescribe.

Directos to suporintend meetings.

Sec. 4. *And be it further enacted*, That the board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof and of all matters and things thereto relating, and not otherwise provided for by said company; they shall have power from time to time to appoint a secretary, treasurer and such other officers, agents and assistants, as to them may seem necessary, and prescribe their duties, fix their compensation, take such security from them as they may deem necessary for the faithful performance of their respective duties, and them remove at pleasure; they shall determin the rates of insurance, the sum to be insured on any building, and the sum to be deposited for the insurance thereof; they shall order and direct the making and issuing of all policies of insurance, the providing of books, stationary and other things needful for the offie of said company and for carrying on the affairs thereof, and may draw upon the treasurer for the payment of all losses which may have happened, and for expenses incurred in transacting the concerns of said company; they shall elect one of their number to act as president, and may hold their meetings monthly and oftener if necessary, for transacting the business of the company, and shall keep a record of their proceedings and any director disagreeing with the majority of the board of any meeting, may enter hs dissent, with his reasons therefor on record.

To pay portion of losses,

Sec. 5. *And be it further enacted*, That every person who shall become a member of said company by effecting insurance therein, shall before he receives his policy, deposite his promisary note for such a sum of money as shall be determined by the directors, apart not exceeding ten per cent of which said note shall be immediately paid for the purpose of discharging the incidental expenses of the institution, and the remainder of said deposit note shall be payable in part, or the whole, at any time when the directors shall deem the same requisite for the payment of losses or other expenses, and at the expiration of the term of insurance, the said note or such part of the same as shall remain unpaid, after deducting all losses and expenses occuring during said term, shall be relinquished and giving up to the signer thereof.

Every member to pay his portion of losses,

Sec. 6. *And be it further enacted*, That every member of said company shall be, and hereby is bound and obliged to pay his portion of all losses and expenses happening or accruing in and to said company, and all buildings insured by and with said company, together with the right, title and interest of the assured, to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the assured during the continuance of his, her or their policies: *Provided however*, that the company shall cause a certificate of such policy, stating the date, term of years, and lien on said estate, in such form as shall be provided by the directors, to be recorded in the county clerk's office, in which said land lies, or said lien shall not be construed to effect the right of a subsequent purchaser of said real estate.

Sec. 7. *And be it further enacted*, That in case of any loss or damage by fire happening to any member, upon preperty insured in and with said company, the said member shall give notice thereof, in writing, to the directors, or some one of them, or to the secretary of said company, within thirty days from the time of such loss or damage may have happened, and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage, and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an ac-

tion against said company for loss or damage, at the next court to be holden in and for the county of Montgomery, or in the county which said party may reside or in which said loss or damage by fire may have happened, and not afterwards, unless said court shall be holden within sixty days after said determination, but if holden within that time, then at the next court holden in said county, thereafter, and if upon trial of said action, a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and costs of suit, but if no more shall be recovered than the amount aforesaid, the said party shall become non-suited, and the said company shall recover their costs: *Provided however*, that the judgment last mentioned, shall in no wise affect the claim of said suffering party to the amount of loss or damage, as determined by the directors aforesaid: *And provided also*, that execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof. **Proviso.**

Sec. 8. *And be it further enacted*, That the directors shall after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same or after the rendition of any judgment as aforesaid against said company, for such loss or damage, settle and determin the sums to be paid by the several members thereof, as their respective portions of such loss, and publish the same in such manner as they shall see fit or as the by-laws shall have prescribed and the same to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall after the space of thirty days after the publication of said notice, neglect or refuse to pay the same assessed upon him, her or them, as his, her or their proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his, her or their deposite note or notes, with cost of suit, and the money thus collected, shall remain in the treasury of said company, subject to the payment of such loses and expenses as have or may hereafter accrue, and the balance, if any remain, shalll be returned to the party from whom it was collected or demanded, after thirty days from the expiration of the term for which insurance was made. **Directors to determine the snms to be paid by each member.**

Sec. 9. *And be it further enacted*, That if it shall ever so happen that the whole amount of deposite notes shall be insufficient to pay the loss occasioned by any one fire or fires, in such case, sufferers insured by said company shall receive towards making good their respective losses, a proportionate dividend of the whole amount of said notes according to the sums by them respectively insured; and in addition thereto, a sum to be assessed on all the members of said company, not exceeding fifty cents on every hundred dollars, by them respectively insured; and the said members shall never be required to pay for any loss occasioned by fire at any one time more than fifty cents on each hundred dollars insured in said company, in addition to the amount of his deposite note, nor more than that amount for any such loss, after his said note shall have been paid in and expended, but any member upon payment of the whole of his deposite note and surrendering the policy, before any subsequent loss or expense has occurred, may be discharged from said company. **In case of loss by fire, company to be proceeded against.**

Sec. 10. *And be it further enacted*, That the said company make insurance for any term not exceeding ten years, and any policy of insurance, insured by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company in all cases **Policy to be signed be the president and countersigned by the secretary.**

where the assured has a title in fee simple, unincumbered to the building or buildings insured, and to the land covered by the same; but if the assured have a less estate therein, or if the premises be incumbered, the policy shall be void unless of the true title to the assured and the incumberances on the premises be expressed therein, and in the application therefor.

Directors to pay.

Sec. 11. *And be it further enacted*, That the directors shall settle and pay all loses within three months after they shall have been notified as aforesaid, but no allowance is to be made in estimating damages in any case for gilding, historical or landscape painting, stucco or carved work.

Buildings alienated by sale policy to be void.

Sec. 12. *And be it further enacted*, That when any house or other building shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company to be cancelled, and upon such surrender, the assured shall be entitled to receive his, her or their deposite note upon the payment of his, her or their proportion of all losses or expenses that have accrued, prior to such surrender: *Provided however*, that the grantee or alinee, having the policy assigned to him, may have the same ratified and confirmed to him, her or them for his, her or their own proper use and benefit, upon application to the directors, and with the consent, within thirty days next after such alienation, on giving proper security to the satisfaction of said directors for such portion of the deposite or premium note as shall remain unpaid and by such ratification and confirmation, the party causing the same shall be entitled to all the rights and privileges, and subject to all the liabilities to which the original party insured was entitled and subjected under this act.

No alteration to be made.

Sec. 13. *And be it further enacted*, That if any alteration should be made in any house or building by the proportion thereof, after insurance has been made thereon with said company, whereby it may be exposed to greater risk or hazzard from fire than it was at the time it was insured, then in every such case, the insurance made upon such house or building shall be void, unless an additional premium and deposite, after such alteration, be settled with and paid to the directors; but no alteration or repairs in buildings, not increasing such risk or hazzard, shall in any wise affect insurance previously made thereon.

Sec. 14. *And be it further enacted*, That in case any building or buildings situated upon least lands and insured by said company, be destroyed by fire, in such case the directors may retain the amount of the premium note given for insurance thereof, until the time for which insurance was made shall have expired; and at the expiration thereof the assured shall have the right to demand and receive such part of said reclaimed sum or sums as has not been expended in losses and assignments.

Sec. 15. *And be it further enacted*, That if insurance on any house or building shall be, and subsist in said company, and in any other office, or from and by any other person or persons at the same time, the insurance made in and by the said company shall be deemed void, unless such double insurance subsist with the consent of the directors, signified by endorsment on the back of the policy, signed by the president and secretary.

To call meetings.

Sec. 16. *And be it further enacted*, That the said G. Goldthwaite, C. T. Pollard, George Whiteman and William J. Campbell, or either two of them, may call the first meeting of the members of said company at any suitable time and place in Montgomery aforesaid, by advertisement in either of the newspapers printed in said town, giving at least ten days notice of the time, place and design of said meeting, for the purpose of chosing the first board of directors, of making and establishing by-laws and of transacting any business necessary and proper to carry into effect the provisions and intentions

of this act: *Provided however*, that no policy shall be issued by said company, until application shall be made for insurance on fifty thousand at least.

Sec. 17. *And be it further enacted*, That after the expiration of the full term of twenty years from and after the passage hereof, the legislature shall have authority to alter or repeal this act, if they consider the public good requires it.

Sec. 18. *And be it further enacted*, That each and every one of the directors of said company shall before he enters upon the duties of his office, give bond to the treasurer of this State, in the sum of five thousand dollars, with good and sufficient security or securities, to the satisfaction of the said treasurer, conditioned for the faithful discharge of the duties of his office agreeably to the regulations, requirements and restrictions of this act, and on the complaint of any person who has been injured by the misconduct of any director, it shall be the duty of such treasurer, to cause said bond to be put to suit, on receiving security to indemnify the State against cost, and to certify to the court who is prosecutor in such case, and the said court may on motion of the defendants in said cause, order the prosecutor to find security to indemnify the defendants for their costs, should he fail to prosecute or recover thereon; and if the defendants shall plead performance of the conditions of said bond, the prosecutor may reply as many breaches respecting his interest as he shall think fit, and the jury on trial of such issue as shall be put to them, shall assess damages for such breaches as the prosecutor shall prove, and the court shall enter up judgment for the whole penalty of the bond, and issue execution in favor of the prosecutor for such sum as the jury shall have found for damages, and the costs and the judgment shall remain for the benefit of such person or persons as may by *sciara facias* thereon shew, that they have been injured by any breach of the condition of said bond, and if the prosecutor shall fail to recover in such suit, the court shall award costs to the defendants, and thereof issue execution against such prosecutor. Directors to give bond.

Approved, Dec. 23, 1836.

No. 151.] AN ACT

To Incorporate the City of Alabama and Montgomery Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Bayard and his associates are hereby constituted a body corporate and politic, under the name and style of the City of Alabama and Montgomery Rail Road Company, they and their executors, administrators or assigns, shall be known in law and have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and by their name aforesaid, shall be capable of purchasing or of otherwise taking, receiving and holding, selling, transferring and conveying real and personal property, so far as the same may be necessary for the construction, repair and maintaining of a rail road, to be located as hereinafter set forth, with one or two tracts as may hereafter at any time be determined, and of granting, giving and receiving mortgages of and for the same, borrowing money, contracting for and using engines, horses, cars, wagons, and other vehicles and vessels, for the transportation of persons, goods, wares and produce of all descriptions, and of engaging and employing engines, artificers and laborers, officers, agents and servants, as the said corporation may deem necessary or useful, and generally of entering into, and executing, and by law enforcing the performance of any and all contracts done by said company, to be necessary and proper to the full execution and enjoyment of the objects of the said corporation; they shall have and enjoy perpetual succession, and Incorporation

may have and use a common seal, and may alter and renew the same at pleasure; they shall have power to ordain and execute such by-laws, rules and regulations not at variance with the laws of the United States or of the State of Alabama as may be deemed necessary and expedient for the government of said company, and the same to alter or amend at pleasure.

To construct a rail road.

Sec. 2. *And be it further enacted*, That the said company shall have and enjoy the privliege, right and power to survey, locate, establish and construct a rail road from the town of Montgomery to the new city on the Bay of Mobile, on such route as may be deemed most expedient.

To elect a president and seven directors.

Sec. 3. *Anbe it further enacted*, That whenever the sum of five hundred thousand dollars shall have been subscribed to the capital stock of said company, the subscribers to said stock, shall in person or by proxy, proceed to elect a president and seven directors, for the well ordering of the affairs of the said company, a majority of the stockholders being represented in such election, and each share to be entitled to one vote; the said president and directors shall hold their office until the next annual meeting of the stockholders, and until their successors in office shall be appointed, subject to the provisions hereinafter mentioned, a general meeting of the stockholders shall be called annually, at which time the president and directors shall take place, to be regulated by the rules and by-laws of the company.

Stock may be sold for instalments.

Sec. 4. *And be it further enacted*, That if any stockholder shall fail to pay any instalment required of him by the president and directors of said company within one month after a call for said instalment shall have been made by public notice given in any newspaper published in the county of Baldwin or city of Mobile, it shall and may be lawful for the president and directors of said company, or a majority of them, to sell at public auction and convey to the purchaser a certificate of said stock, and all monies or all payments previously made on said stock, shall be forfeited, and the stock revert to said company: *Provided however*, that thirty days public notice be given previous to the sale of said forfeited stock.

Compensati'n or damages.

Sec. 5. *And be it further enacted*, That the soid president and directors, their officers and agents, shall have full power and authority to enter upon any lands through which they may deem it necessary to make the said rail road, and to lay out the same according to their pleasure: *Provided*, that no dwelling house be removed without the consent of the proprietors thereof, and in case the officers or agents of said company and the proprietors of any land or lands, through which the said rail road may be located, cannot agree as to the terms upon which the construction of said rail road shall be allowed through the said land or lands, it shall be lawful for the president and directors aforesaid, to apply to the court of the county in which the land or any part thereof lies, and upon such application, it shall be the duty of the court to appoint five discreet and disinterested free-holders to assess the damages which will result to said lands, if any, from opening said rail road through the same, no such appointment shall however be made unless ten days previous notice shall have been given to the owners of the land or to the guardians, if the owners be an infant or *non-compos mentis*: if such owners or guardians can be found within the county, or if he cannot be found until notice of the application shall have been published at least one month, in some public newspaper; a day for the meeting of the said freeholders shall be designated in the order appointing them, and any one or more attending that day may adjourn from day to day until the duties assigned shall have been finished, but said adjournment shall not be prolonged beyond thirty days, and any two or more shall be qualified to act after having been duly sworn before a justice of the peace, that they will impartially and justly to the

best of their abilities, ascertain the damages if any, which will be sustained by the proprietor of the land from opening the rail road through the same; the report of the freeholders, as made, together with the certificate of qualification before the magistrate aforesaid, shall be forthwith returned by them to the court of said county, and unless good cause be shown against the report, it shall be affirmed by the court and entered upon record, but if the report should be disaffirmed, or the said freeholders being unable to agree, should report their disagreement, or if from any other cause, they should fail to make a report within a reasonable time after their appointment, the court at its discretion, may as often as may be necessary, supercede them or any of them to appoint others in their stead and direct another view and report to be made in the manner presented above affirmance of such report and of payments or tender of payment of such damages into court, the court shall authorise the president and directors to open and lay out said rail road upon the ground viewed and assessed as in all other cases pending before the courts and upon like terms.

Sec. 6. *And be it further enacted*, That the said company may transport passengers or produce upon the said rail road or any part thereof, upon the following terms: eight cents per mile for passengers, and on freight fifty cents per hundred, on each hundred miles, and the company are hereby authorised to erect suitable warehouses and all other buildings they may conceive necessary, at such place or places on the said road as they may conceive essential for the interest of said company. Rates of toll.

Sec. 7. *And be it further enacted*, That if the said rail road company shall not begin the work in one year from the passage of this act, or shall not complete the same within six years, then the interest of said company in this charter so far as respects the unfinished part of said road, shall be forfeited and cease. Charter forfeited.

Sec. 8. *And be it further enacted*, That if any person shall wilfully, by any means whatever, injure, impair or destroy any part of any rail road constructed under this act, or of any of their necessary works, buildings, machines, wagons, vehicles or other property, such person or persons shall be punished according to the laws which may be in force in this State at the time, for the protection of the public works of the State, or for the protection of any other rail roads and its appendages, and shall be liable for the amount of all damages which the said company may thereby sustain. Persons liable for damages.

Sec. 9. *And be it further enacted*, That it shall not be lawful for any other company or persons whatever to travel upon or on the road of said company, or to transport persons or property of any discription on said road, without the licence or permission of the president and directors of said company; and nothing herein contained shall be so construed to prevent said company from making contracts for the transportation of the mail upon such terms as may be agreed upon between said company and the agents of the United States: *Provided*, that nothing herein contained shall be so construed so as to authorise the construction of said road within the county of Montgomery, without the consent of two thirds of the stockholders in value of the Montgomery Rail Road Company, being first had and obtained. Proviso.

Approved, Dec. 23, 1836.

No. 152.] AN ACT

To compensate the Commissioners of Roads and Revenues of the county of Henry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That from and after the passage of this act, it shall be lawful for the commissioners of roads and revenues of the county of Henry to receive each one dollar and fifty cents, for each day's attendance at the commissioner's court, as commissioners aforesaid, and five cents for each mile when travelling to and from the same, to be paid out of any moneys in the hands of the county treasurer for county purposes, not otherwise appropriated; and the certificate of the clerk of the county court of said county shall authorise the county treasurer to pay out the amounts certified to be due, any law to the contrary notwithstanding. Approved Dec. 23, 1836.

No. 153.] AN ACT

For the relief of John Heard, Tax Collector of Walker county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Heard, tax collector of Walker county, have until the first day of March, 1837, to finish collecting, and to pay over the taxes of said county: *Provided*, the judge of the county court and commissioners of roads and revenues, do agree to the same.

Approved, Dec. 23, 1836

No. 154.] AN ACT

To amend an act to incorporate the town of Decatur, approved 11th January, 1834.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the corporate limits of the town of Decatur, in Morgan county, be, and they are hereby extended so as to include the lots on the east of said town or East Decatur, any law to the contrary notwithstanding.

Approved, Dec. 23, 1836.

No. 155.] AN ACT

To compensate Joshua K. Roberts and others, for services therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assemby convened*, That the sum of thirty five dollars be appropriated to compensate Joshua K. Roberts for services rendered in pursuing and apprehending one Allen T. Goodwin, charged with horse stealing, who was convicted and punished at a circuit court held for the county of Jefferson, in October last; and also the sum of twenty dollars be allowed to Charles Duffey, and the like amount to William L. Cox, for assisting in apprehending said fugitive, and that the comptroller be authorised to issue his warrant for the same.

Approved, Dec. 23, 1836.

No. 156.] AN ACT

For the benefit of Peter Robinson.

Providing for the relief of P. Robinson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the dwelling house of Peter Robinson shall be in the county of Dallas, and the line dividing Dallas from Lowndes county, shall run in such direction as to

allow one half acre of land to be in the county of Dallas, la' oT a round the house of said Robinson, and an equal quantity of nd shall be laid off upon the most eastern limit of said Robinson'. and in the present limits of Dallas county, and attached to the county of Lowndes.

Sec. 2. *And be it further enacted*, That the lines including the lands mentioned in the first section of this act, shall be run and marked by the surveyor of the county of Dallas, and a plat thereof made and filed in the office of the clerk of the county court of said county, and all expenses incurred by carrying this act into effect, shall be paid by the said Peter Robinson. By whom the lines to be run

Approved, Dec. 23, 1836.

No. 157.] AN ACT

To incorporate the Uniontown and Cahawba Turnpike and Track Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Joseph Babcock, Uriah G. Mitchell, William Adair, David Harding, Robert H. Porter, John Fitts, and their associates, are hereby created a corporation and body politic, by the name and style of the Uniontown and Cahawba Turnpike and Track Road Company, and by that name shall be able in law to have, purchase, receive, possess, enjoy and release, to themselves and their successors, lands tenements, goods, chattels and effects of whatever kind, nature or quality, to any amount not exceeding five hundred thousand dollars, including the capital stock of said company, and the same to dispose of in any manner they may think proper, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of competent jurisdiction, and also to make, have and use a common seal, and the same to alter and renew at pleasure; and also to make such by-laws, ordinances and resolutions as they shall deem necessary and proper, for the good government of said corporation, not being contrary to the constitutional laws of the State of Alabama; and generally, to do and execute all and singular, such acts, matters and things which to them, as a body corporate, it shall or may appertain to do, for the promotion of the interest of said company. Incorporati'n.

Sec. 2. *And be it further enacted*, That the said Joseph Babcock, Uriah G. Mitchell, William Adair, David Harding, Robert H. Porter, John Fitts, and their associates, be, and they are hereby authorised to open and turnpike a road to commence at the town of Cahawba, in the county of Dallas, and running near Henry Adams' the best and most direct route, crossing Bogue Chitto creek at the most convenient point to Uniontown, in the county of Perry. To open road

Sec. 3. *And be it further enacted*, That the aforesaid turnpike road shall be opened of sufficient width, and cleared of every obstruction that is practicable to be removed, and all sloping ground and banks of water courses, shall be so worked on as to admit the easy and safe passage of all kinds of carriages, and all marshes and swamps shall be causewayed of good and durable materials, the road To be cleared out.

to be cleared at least thirty feet wide, twenty of which shall be grubbed and all stumps removed, and every other obstruction, and all causeways shall be at least twelve feet wide, elevated above high water and made smooth by throwing dirt upon and making them firm, the water courses on all to be bridged and kept at all times in good repair.

To make track road.

Sec. 4. *And be it further enacted*, That said company shall have full and ample power, when they deem proper, to make a track road on said turnpike, by laying suitable timbers or other solid materials, so that loaded wagons can travel all seasons of the year without obstruction.

Toll gate to be established

Sec. 5. *And be it further enacted*, That when one half of the distance of said turnpike road shall be completed, commencing at Cahawba, a turnpike gate may be established at or near Henry Adams' on said turnpike road, so as not to interfere with the travelling on the present roads passing that place, and they shall be entitled to receive the following toll, to wit: coming to Cahawba, for a loaded wagon and team, one dollar; for each pleasure carriage, fifty cents; for each two wheeled carriage, twenty-five cents; for each man and horse, twelve and a half cents; for each footman, six and a fourth cents; for each head of cattle, hogs or stock of any kind, one cent; going from Cahawba, for each wagon and team, fifty cents; and when the road is completed to Uniontown, another gate shall be established at William Adair's, and shall receive the same toll as the gate at Henry Adams'.

Commissioners' court to appoint commissioners.

Sec. 6. *And be it further enacted*, That before any toll shall be received, the judge of the county court, and the commissioners of roads and revenues, of the county of Dallas, shall appoint two respectable citizens, of the county of Dallas, commissioners, who shall examine the road, and report that it has been completed according to law, which report shall be filed in the clerk's office of the county court of Dallas county, and when said road shall get out of order, the gate or gates shall be thrown open until it is again in good order.

Approved, Dec. 23, 1836.

No. 158] AN ACT

To attach Cherokee county to the Eighth Division of the Militia of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Cherokee county be, and the same is hereby attached to the eighth division of the militia of this State, any law to the contrary notwithstanding.

Approved, Dec. 23, 1836.

No. 159.] AN ACT

To incorporate the Montgomery County Insurance Company.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Goldthwaite, Justice Wyman, John Scott, Robert Harwell, George J. Forrest, R. T. Nott, and such others as they may associate with them for that purpose, are hereby created a body politic and corporate, by the name and style of the Montgomery Coun-

ty Insurance Company, and by that name and style shall be capable of suing and being sued in any court of law and equity in this State, of purchasing, holding, improving and conveying property, real, personal or mixed, to make, have and use a common seal, and the same to change and renew at pleasure; and generally, to do every act or thing necessary to carry into effect this act, or to promote the object and design of this corporation, which may not be inconsistent with the constitution and laws of this State or of the United States.

Capital stock.

Sec. 2. *And be it further enacted*, That the capital stock of this corporation shall be two hundred and fifty thousand dollars, to be divided into five thousand shares of fifty dollars each, the same to be paid in the manner following: five dollars on each share at the time of subscription, and five dollars on each share within thirty days after the organization of the company, and the residue in such a manner as the president and directors hereinafter provided for may prescribe, which said capital stock may be hereafter increased from time to time, at the discretion of the president and directors, to five hundred thousand dollars, in such manner as they may think proper, and it may be lawful for any person to subscribe for and hold stock in said corporation, and vote thereon, which stock shall be deemed and held as personal stock, and if any stockholder shall refuse or neglect to make the payment as required, he or she shall cease to be a stockholder in said corporation, and his or her shares may, at the discretion of the president and directors, be forfeited, and the same may be sold by the corporation in any manner it may think proper.

Commissioners to open books of subscription.

Sec. 3. *And be it further enacted*, That books of subscription shall be opened at such times and places as the aforementioned persons, or a majority of them, shall direct: *Provided*, twenty days previous notice be given of the time and place, and persons under whose direction the said books of subscription shall be opened; and the said persons, or a majority of them, shall appertion the stock among the subscribers, in the event that a larger number shall be subscribed for than is herein allowed, by striking off the largest subscriptions; and the said persons, as soon as may be after the books of subscription shall be closed, shall call a meeting of the stockholders, for the election of a president and eight directors of the said company, and the said president and directors shall hold their offices for twelve months, unless otherwise ordered by a resolution of the stockholders, who shall appoint the times and places of such elections; should there be a failure at any time to elect a president and directors, the corporation shall not be dissolved, but the president and directors shall hold their offices till a new election; and the president and directors shall have the full power to appoint all officers and agents of said company, to fix their compensation, prescribe their duties, define their powers, provide for taking bonds from them for the security of the corporation for the faithful performance of their duty; they shall also have the power to fill any vacancies that may occur in their own body by the death, resignation or disqualification of any member.

To receive endrosements

Sec. 4. *And be it further enacted*, That the president and directors shall have the power to receive endorsements of personal or mixed property, for a term of years in trust, to grant annuities, to contract for versionary payments, to receive from any free person deposite or deposites in trust, to make all such contracts in which the casualties of life and interest of money are involved, to provide for the investment of the funds of the company in stocks, mortgages other than bills of exchange or promisory notes, in such a manner as they shall deem most safe and beneficial; they shall have the power to fix the places and mode of transfer of certificates of stock, and payment of interest; and generally, to pass all such by-laws as may be necessary to carry this law into effect, not contrary to the constitution and laws of the United States or of the State of Alabama; to make perfect and execute so many contracts, bargains and agreements, as they shall find necessary, or as the nature of shall or may require: *Provided*, That nothing in this act shall be so construed to authorise the said company to issue and put in circulation, any negotiable note or notes payable to bearer, or notes in the nature of bank notes, or to authorise them to make any contract which by the existing laws amounts to usury, or to guarrantee, in any manner whatever, the payment of any chose in action.

To make insurances

Sec. 5. *And be it further enacted*, That the president and directors aforesaid, shall have the power to make insurances against all losses by fire, and to take marine and river risks: *Provided*, That this corporation shall in every instance be liable to the whole amount of property, of whatever name and description they may own; and that the stockholders in this corporation shall be liable to the whole amount of their individual stock: *And provided further*, That the real estate of the corporation shall not exceed fifty thousand dollars.

Proviso.

Sec. 6. *And be it further enacted*, That all contracts and other instruments in writing, not under seal by said president and directors, shall be good and valid in law and equity.

Sec. 7. *And be it further enacted*, That no stockholder, indebted to said corporation, shall be permitted to transfer his or her stock until the debts due by him or her, to said corporation, shall be paid; but no stockholder shall be liable for any debts, contracts or engagements of said corporation, except to the extent of his or her capital stock, but that the money, rights and credits, and other property of the corporation, shall be liable for the same.

To declare dividends

Sec. 8. *And be it further enacted*, That in order to afford security for the endowments of trust and other contracts, made with this corporation, the president and directors shall invest at least one half of their capital stock in the public securities in this State, the United States in real estate, or such other securities as shall be approved of by the president and directors of the Branch of the Bank of the State of Alabama at Montgomery; and it shall be the duty of the president and directors to declare such dividends of the profits of the said corporation, as in their discretion they may think proper; and at the same time to send to the president and directors of the Bank of the State of Alabama a fair statement of all their transactions,

and the judges exercising chancery powers in this State, shall have full power, when the interest of the depositors shall require it, to order a full and fair investigation of its affairs, and if, in the course of the investigation, it should be made manifest that the interest of them concerned require it, it shall be the duty of the chancellor to demand from the president and directors such security as shall secure the interest of the depositors, and in case of failure, the judge in chancery shall demand a surrender of the effects of the corporation. and this charter shall become forfeited.

Stockholders only, eligible to the presidency or directorship.

Sec. 9. *And be it further enacted*, That no person shall be a president or director in said corporation, unless he shall be a stockholder to the extent of fifty shares at least, and the seat of any director shall be vacated unless he continue to hold the same for and during the time for which he was elected; and the chancellor or judge charged with the exercise of chancery powers, shall have the right to remove said directors, or any of them, for the same cause as other directors are removed.

Sec. 10. *And be it further enacted*, That this act shall be in force for twenty years from its passage.

Approved, Dec. 23, 1836.

No. 160.] AN ACT

To authorise the commanding Officers of the Seventh Regiment of Alabama *Militia* to form a company beat with a less number of privates than forty, in the county of Tuscaloosa.

Tuscaloosa county

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Colonel Richard Jones and Lieutenant Colonel Dennis Cook, be, and they are hereby authorised and required to form a company beat in the north east corner of Tuscaloosa county, known as Mud Creek Settlement; and the company so formed shall be so officered in the like manner as other company beats are in this State.

Pike county

Sec. 2. *And be it further enacted*, That a company beat in Pike county be established, of the following limits, to wit: beginning on the river Connecuh, and running a direct line to the head of Persimmon Branch, so as to include John Car's possessions in the new beat, running down said beat to Trail Creek, down Trail Creek to the road, thence south along said road to the three notch road, thence directly across said road to the head of Beaver Creek, down said creek to Walnut Creek, down Walnut Creek to Stewart's Creek, up that creek to its head, thence a direct line to Conecuh River, so as to include Samuel Carlile in the new beat, thence up Conecuh river to the beginning.

Approved, Dec. 23, 1836

No. 161] AN ACT

For the relief of Martha *M.* Griffin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Martha M. Griffin, wife of Bennet S. Griffin, is hereby authorised to have, hold, possess and enjoy any property that has been, or may be conveyed to her as *feme sole*, and that suits may be

maintained for or against her, in the same manner as if she were a *feme sole;* and that she may have the right and privilege of conveying, transferring, selling or buying, any property, real or personal, as fully and as absolutely as if she were a *feme sole.*

Approved, Dec. 23, 1836.

No. 162.] AN ACT

To establish a Female Academy in the town of Tuscumbia.

Academy established.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an Academy be and the same is hereby established in the town of Tuscumbia, by the name of the Franklin Female Institute.

Company incorporated.

Sec. 2. *And be it further enacted,* That Peter Walker, John Hogan, John Bradly, Charles Cooper, Isaac Winston, Jacob Haigh, Burt Harrington, Clarke T. Barton, Micajah Tarver, Archibald S. Christain, George W. Carroll and N. J. Huston, be and they are hereby constituted a body corporate, by the name and style of the Trustees of the Franklin Female Institute, at Tuscumbia, and by that name shall be capable in law, to receive all donations and recover all debts which may become the property of said Academy, and to do and perform all such acts as may be necessary and proper for the benefit of said Institution, and in general to possess such powers and exercise such rights as are usually incident to bodies corporate

Meeting held

Sec. 3. *And be it further enacted,* That the first meeting of said Trustees, shall be held on the first Monday of January, 1837, at such place in the town of Tuscumbia, as two of their body, herein before first named, shall designate, of which they shall give at least five days previous notice, by advertisement or otherwise, to the other members of their body, at which meeting they shall proceed to elect from among themselves a President and Vice President, to serve for the period of one year and until their successors are elected: *Provided however,* that five members of said board, shall in all cases, be necessary to constitute a quorum, to do business; and in the event that number should not attend the first meeting hereby appointed, and in that event, that then any three members of said board, may call a meeting, by giving three days notice of the time and place of such meeting. The President, or in his absence, the Vice President shall preside over the board, and in the of the absence of both, then any member chosen by a majority of those present, shall preside *pro tem.*

Site selected.

Sec. 4. *And be it further enacted,* That said board of Trustees shall have power and authority, and the same is hereby granted to them, to select some convenient situation in the town of Tuscumbia, upon which to fix and locate said Academy, and to contract for the same, by purchase, lease, rent or otherwise, as to them may seem best, and from time to time, to change such location as in their opinion the interest of the institution may require; that they shall have power to engage a President and other professors, and all other officers and persons necessary for carrying on and conducting the civil and literary concerns of the institution, and to displace and suspend them at pleasure; they shall also have power and authority at any

time they may think proper, to examine the proficiency of the Students, and to make all such by-laws, rules and regulations, for the good government of the Academy, as to them may seem expedient.

Sec. 5. *And be it further enacted*, That in case of a vacancy, by the death, resignation, refusal to act or removal of any one of said Trustees from the country, the other members of the board, shall have power and authority to fill such vacancy. Vacancies filled.

Sec. 6. *And be it further enacted*, That the lands, lots, buildings and other property belonging to said Academy, or in the possession of said Trustees for the use and purpose thereof, be and the same is hereby declared to be free from taxation.

Approved, Dec. 23, 1836.

No. 164] AN ACT

To incorporate the Coosa Cavalry in the County of Shelby

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Captain O. B. Harvis, Lieutenant John Dollar, and Ensign J. Gragg, and their associates and their successors in office, in said volunteer company of the county of Shelby, be and they are hereby incorporated, under the name and style of the Coosa Cavalry, with power to pass such by-laws for the government of said company, as may be deemed necessary. Company incorporated.

Sec. 2. *And be it further enacted*, That the privates within the fifty-six regiment in said county, shall be authorised to become members of said Coosa Cavalry: *Provided*, that no militia company in the fifty-sixth regiment shall be reduced to a less number than forty privates: *And provided further*, that said company be required to hold four company musters in each and every year, and perform also all regimental service.

Sec. 3. *And be it further enacted*, That Richard Nort, Captain; Robert Harwell, Lieutenant; and their associates of the Montgomery True Blues, be and they are hereby incorporated by the name and style of the Montgomery True Blues, with the same privileges and subject to the same restrictions as have heretofore been conferred and imposed upon the Montgomery Guards, of the county of Montgomery.

Approved, Dec 23, 1836.

No. 165] AN ACT

To amend an act entitled an act, authorising certain persons therein named, to clear out and Turnpike a road from Wetumpka falls to Syllacogga. Approved, 9th Jan. 1833.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the proprietors of the turnpike road from the Wetumpka Falls to Syllacogga, from and after the passage of this act, be and they are hereby authorised to erect an additional gate on said road, where they may demand and receive the same rates of toll as are now allowed by the passage of an act, approved 9th January, 1833. Gate to be opened.

Sec. 2. *And be it further enacted*, That before the proprietors of said road be allowed to charge toll at said additional gate, they be required to make good and substantial bridges, well banistered and of the usual width over the following creeks, viz: Corn creek, the Charge toll:

two Weekee creeks and Big Swamp creek; he also required to make a safe ferry boat, to be kept on Hatchet creek, and by them duly attended to, when high waters require it, subject to the same inspection as the rest of said road.

Sec. 3. *And be it further enacted*, That in addition to the present tolls allowed, the proprietors, be permitted to charge three cents for each head of cattle passing either gate.

Sec. 4. *And be it further enacted*, That the citizens of Coosa county, be and they are hereby exempt from paying toll at said additional gate, and shall be permitted to pass through free of charges.

Approved, Dec. 23, 1836.

No. 166] AN ACT

To incorporate the Coosa Bridge company.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a company be and the same is hereby incorporated to construct a toll bridge across the Coosa river, on the land of Howell Rose, on fraction, number five; township, number eighteen; range, number eighteen; the capital stock of which company, shall not exceed $40,000, divided into shares of $100 each: *Provided*, that said bridge be placed at least three miles, by water, above the Wetumpka bridge.

Style of company.

Sec. 2. *And be it further enacted*, That Francis Gray, Howell Rose, John Duncan, E. W. Gilbert and A. B. Northrop, the projectors of said bridge, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the President and Directors of the Coosa Bride Company, and by that name and style, shall be and are hereby made able and capable in law to sue and be sued, to plead and be impleaded, answer and be answered, befend and be defended, in any suit, action, matter or thing depending in any court of law or equity in this State, and also to make and use a common seal, the same to alter at pleasure, and also to ordain and establish such by-laws and ordinances as they may deem necessary for the government of said company: *Provided*, the same be not incompatible with the constitution and laws of this State, or of the United States.

Rates of toll.

Sec. 3. *And be it further enacted*, That the property of said bridge, when built, shall be and the same is hereby vested in said corporation in perpetuity, and shall and may demand and receive on the completion of said bridge, the following rates of toll, to wit: for each four wheeled pleasure carriage, seventy-five cents; for each four wheeled road waggon, seventy-five cents; for each two wheeled pleasure carriage, thirty-seven and a half cents, for each Jersey waggon or carryall, thirty-seven and a half cents, for each cart, twenty-five cents; for each horse and rider, twelve and a half cents; for each horse, mule or foot passenger, six and a fourth cents; for each head of neat cattle, three cents; for each head of goats or hogs, two cents.

Sec. 4. *And be it further enacted*, That it shall be the duty of said corporation, to keep said bridge in good repair, when completed, as long as they may think proper to receive toll; they shall be

bound for all injuries which may be sustained by any person passing said bridge: *Provided*, said injury shall result from negligence of the keeper or for want of proper repairs to said bridge.

Sec. 5. *And be it further enacted*, That said bridge shall be so constructed, that it will in no wise obstruct or prevent the navigation of said river.

Sec. 6. *And be it further enacted*, That it shall be the duty of the aforesaid corporation, either by themselves or by some other competent person, to lay out a road leading to and from said bridge, which shall be of the first grade, until it intersects with other roads. Lay out road

Sec. 7. *And be it further enacted*, That the county court of Autauga county, shall be and is hereby authorised whenever it may in the opinion of the Judge thereof, be deemed necessary, to appoint suitable commissioners to inspect the situation of said bridge, and if a majority of them shall report that said bridge is not in good order and fit for passage, the court shall have power to suspend the collection of toll, until said bridge shall be put in good repair: *Provided* the damage which may occur under the sixth section of this act, shall be made good by said corporation. Commissioners appointed

Sec. 8. *And be it further enacted*, That said bridge shall be commenced within two years from and after the passage of this act, and shall be completed within three years thereafter, otherwise all the privileges and immunities conferred by this act, shall be null and void. Bridge commenced.

Approved, Dec. 23, 1836.

No. 167,] AN ACT

To authorise Samuel Gay to Turnpike a road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Samuel Gay, be, and he is hereby authorised to open and turnpike a road to commence at the ferry of the said Gay on the Tennessee river, in the county of Jackson and to pass over the Raccoon mountain, to the foot of said mountain at the place known as the widow Koons, at the eastern foot of said mountain. Open a turnpike.

Sec. 2. *And be it further enacted*, That the aforesaid road shall be opened fifteen feet wide, ten feet of which shall be cleared of every obstruction, stumps and grubs, taken up by the roots or cut level with the ground, sloping ground and banks of water courses shall be so worked on as to admit the easy passage of all kinds of carriages, all marshes and swamps shall be caus-wayed ten feet wide, with good and durable materials. Clear road.

Sec. 3. *And be it further enacted*, That when the said Samuel Gay shall have completed said road and reported the same to the county court of Jackson county and also to the county court of De Kalb county, it shall be the duty of said judges to apppoint three suitable persons, two of whom shall be appointed in the county of Jackson and one in the county of De Kalb, to examine said road and report their opinion to the judge of said counties, and the said commissioners shall receive such compensation for their services as the judge shall deem reasonable to be paid by the said Samuel Gay. Com'rs appointed

Sec. 4. *And be it further enacted*, That should the commissioners to be appointed under the third section of this act, report that the road has been opened and is in good order, then in that case, the said Samuel Gay is hereby authorised to erect two gates, one in the county of Jackson and the other Report of com'rs.

in the county of De Kalb, at which gates, he the said Gay or his agent may demand and receive of and from every person passing through said gates the following tolls, to wit: for every pleasure carriage drawn by two or more horses or mules, or wagon drawn by more than two horses, mules or oxen, fifty cents; for every two wheel pleasure carriage, thirty seven and one half cents; for every carryall or other four wheel carriage or wagon drawn by not more than two horses, mules or oxen, twenty five cents; and for every other two wheel carriage or cart, twenty five cents, for every man and horse, twelve and one half cents; for every loose horse or mule, six and one fourth cents; for every head of cattle, hogs, sheep or goats, one cent; and if any person shall pass around said gates with the intention to evade the payment of toll, he or she, for every such offence, shall forfeit and pay to the said Samuel Gay, the sum of ten dollars, to be recovered before any justice of the peace with legal cost for the same.

Judge's duty.

Sec. 5. *And be it further enacted*, That it shall be the duty of the judge of the county court of Jackson county, on application, to appoint three suitable persons, who shall proceed to examine the condition of said road and report the same to said judge, and incase the commissioners shall report the road not to be in good order, he shall direct the gates to be thrown open and no toll shall be received under the penalty of twenty five dollars for each offence, until said road shall be repaired in a good and sufficient manner, and the said Samuel Gay shall commence said turnpike road in twelve months after the passage of this act, and complete the same within two years thereafter, and shall have all the profits arising from the tolls for the term of fifteen years from the time they are authorised to receive tolls on said road.

Approved, Dec. 23, 1836.

No. 168] AN ACT

To revive and amend an act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled an act, to authorise Mace T. P. Brindley to turnpike roads therein named, approved, January 11, 1834, be, and the same is hereby revived, and that said Bridley and his associates, be, and they are hereby allowed three years from the passage of this act, to complete the roads granted to them in the above recited act, or forfeit the charter thereby granted.

Approved, Dec. 23, 1836.

No. 169] AN ACT

To compensate John Starnes of Marshall county for public services.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there be, and is hereby appropriated the sum of twenty five dollars to John Starnes of Marshall county, out of any monies in the treasury not otherwise appropriated, for his services in organizing the county of Marshall, and that the comptroller of public accounts, be, and is hereby required to issue his warrant on the treasury for the said sum in favor of the said John Starnes.

Approved, Dec. 23, 1836.

No. 170] AN ACT

For the benefit of Sarah H. Sallis.

To contract debts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of January, one thousand eight hundred and thirty seven, Sarah H. Sallis, wife of Solomon Sallis, of the county of Tuscaloosa, and

State aforesaid, shall be deemed and held and considered to all intents and purposes, a free dealer and as such enabled to carry on business and trade in her own name, and on her own seperate and individual responsibility, and further to contract and be contracted with, sue and be sued in her own name, and in general acquire, secure, hold, use and enjoy in her own right and property, real and personal estate, and the same may dispose of either by gift, grant, sale or last will and testament.

Exemption.

Sec. 2. *And be it further enacted*, That the enjoyments of the rights and abilities, by this act conferred on the said Sarah H. Sallis, shall be considered as exempting all property acquired by the said Sarah H. from and after the date first aforesaid, from the payment of the debts or contracts of her said husband, as well such as have been heretofore, as may hereafter be contracted, and the same is hereby declared to be exempted from the payment of the debts of the said Solomon Sallis.

Approved, Dec. 23, 1836.

No. 171] AN ACT

For the relief of Isaac Ross.

Appropriati'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of four hundred and eighty three dollars and eighty cents, be allowed out of any money in the treasury not otherwise appropriated, to the payment of two accounts against the State, in favor of Isaac Ross, for provisions furnished the soldiers engaged in defence of the State, in the late Creek war.

Comptroller's duty.

Sec. 2. *And be it further enacted*, That the comptroller of public accounts be, and he is hereby authorised to issue his warrant for the said sum of money, in favor of Isaac Ross, on any money in the treasury not otherwise appropriated. Approved, Dec. 23, 1836.

No. 172.] AN ACT.

To compensate Catlin, Peeples & Co. for provisioning the soldiers in the late Creek Indian war.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the comptroller on public accounts be, and he is hereby authorised to issue his warrant upon the treasurer, out of any money in the treasury not otherwise appropriated, in favor of Catlin, Peeples & Co. for the sum of seven hundred and seventy six dollars.

Approved, Dec. 23, 1836.

No. 173] AN ACT

To amend an act for the relief of David Ferguson, approved 9th January, 1836.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the comptroller of public accounts shall be authorised forthwith to issue his warrant to David Ferguson, or his agent or attorney in fact, for one thousand dollars, for printing Stewart's Reports, and the balance of six hundred and fifty dollars, when the Reports are bound and delivered, as contemplated by the act which this is intended to amend: *Provided*, That the said Ferguson shall first enter into bond and security, to be approved by the Governor, for the completion of his contract to print, bind and deliver the third volume of Stewart's Reports, (which is the work referred to above) within three months after the passage of this act.

Approved, Dec. 23, 1836.

No. 174.] AN ACT

For the payment of certain claims therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of four hundred dollars be, and the same is hereby allowed, to Jesse H. Hodges, for furnishing subsistence, &c. for troops, on their march from Franklin county to Tuscaloosa and returning, and that the sum of eighty dollars be allowed to J. J. Truax for expenses incurred for horse hire.

Appropriati'n

Sec. 2. *And be it further enacted,* That the comptroller of public accounts be authorised to issue his warrant upon the treasurer for the above sums.

Comptroller's duty

Approved, Dec. 23, 1836.

No. 175.] AN ACT

To provide for the payment of certain claims.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be paid out of any money in the treasury, not otherwise appropriated, to Hart and Bosworth, one hundred and forty five dollars; and to Blackwell and McEnzee, two hundred and fifty six dollars and thirty nine cents, for amunition and linen for tents, furnished the troops under command of General Erwin, at Irwinton; and to James V. McGraw, twenty seven dollars; to George Reeves, for forage for sundry companies, twenty six dollars; to George Reeves, for provisions furnished volunteers, forty one dollars, fifty cents; to Mrs. Elmore, forty four dollars forty six cents; to William T. Minter, one hundred dollars; to Benjamin Cooper, nineteen dollars thirty five cents; and to Conner & Lawson, ninety six dollars eighty three cents.

Appropriati'n

Sec. 2. *And be it further enacted,* That the comptroller of public accounts be, and he is hereby authorised to draw his warrant upon the treasurer, for the sums by this act appropriated.

Comptroller's duty

Approved, Dec. 23, 1836.

No. 176.] AN ACT

Making appropriations for the payment of certain claims therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums shall be paid out of any money in the treasury not otherwise appropriated, to the persons herein mentioned, for furnishing provisions and forage to volunteer companies, or other troops in service, to wit: to Thomas Samply, eighty two dollars and fifty nine cents; to Jonathan Gragg, twenty two dollars and fifty cents; to R. A. Taylor, twenty eight dollars and fifty cents; to Enoch Sleays, seventy dollars; to R. B. Simms, fifty six dollars and thirty cents; to John C. Johnson, seventy seven dollars; to William Johnson, twenty two dollars; to A. H. White, two hundred and forty nine dollars and seventy five cents.

Appropriati'n

Sec. 2. *And be it further enacted,* That there shall in like manner be paid to Mark Elmore, for the use of a horse in the public service, thirty three dollars and twenty cents; to Joel Dubose, for the use of a horse pressed into the public service, twelve dollars; to J. W. Pugh, for services performed by order of General Erwin, forty dollars.

Sec. 3. *And be it further enacted,* That the comptroller of pub-

lic accounts, shall be, and is hereby authorised to draw his warrant upon the treasurer, for the several sums herein appropriated. Comptroller's duty

Approved, Dec. 23, 1836.

[No. 177.] AN ACT

For the relief of the Printer of the Decisions of the Supreme Court, and for other purposes

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever it shall be made to appear to the satisfaction of the Governor of this State, that the person employed to print the Decisions of the Supreme Court of this State, has completed the printing of any one volume of said reports, according to his contract, he shall issue an order to the comptroller, directing him to issue his warrant in favor of said printer, for one half of the amount for which said printing was contracted to be done. Conditions of relief

Sec. 2. *And be it further enacted,* That so much of an act passed in 1833, as requires proposals to be issued, and advertised two months, for the printing of said decisions, be, and the same is hereby repealed: *Provided,* That such reasonable notice as the Governor may deem proper, shall be given in future. Repeal

Approved, Dec. 23, 1836.

No. 178] AN ACT

To provide for the payment of certain claims therein specified.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of three thousand dollars be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the payment of the claims of certain persons who furnished provisions and forage for the use of the three volunteer companies under captains Likens, Shelly and Hughes, who marched to Washington, in Autauga county, in March last, and returned from that place, which accounts the comptroller shall be authorised to pay when presented, accompanied with the evidence required by the second section of this act. Appropriati'n

Sec. 2. *And be it further enacted,* That all accounts and claims, allowed to be paid under the provisions of this act, shall contain a bill of the articles, to whom sold or delivered, and shall be accompanied by the affidavit of one or more credible witnesses, sworn to and subscribed before some officer lawfully authorised to administer such oath, and properly certified, that the articles charged were actually furnished and delivered, as stated in the accounts, and that the prices charged are the customary prices of such articles in the neighborhood, at the time of the sale thereof, or the receipt or certificate of the commanding officer of either of the companies mentioned in the first section of this act, accompnnied by the oath of the claimant, that the same is just and true, and properly signed by such officer, shall be sufficient evidence: *Provided,* That any claimant under this act, may in like manner prove his own accounts, when the same shall not exceed fifty dollars. Manner of rendering accounts

Sec. 3. *And be it further enacted,* That the comptroller of public accounts shall be, and hereby is authorised to draw his warrant upon the treasurer, for all sums which may be allowed according to the provisions of this act, and shall deposit all accounts, with Comptroller's duty

a receipt for the sums so paid by him, with the accompanying evidence, on file in his office. Approved, Dec. 23, 1836.

No. 179) AN ACT

To atuhorise Vincent Hubbard, guardian, to remove the property of his ward, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Vincent Hubbard, who was heretofore appointed guardian of Amanda Francis Ham and Joseph Ham, minor heirs of Gideon Ham, deceased, by the county court of Jefferson county, be permitted to remove such property as may have come to his possession, as guardian as aforesaid, from the county of Jefferson to the county of Pickens.

To remove property

Sec. 2. *And be it further enacted,* That it shall be the duty of the judge of the county court of Jefferson county, at any time hereafter, when the said Vincent Hubbard shall make his return and settlement, as guardian as aforesaid, at the request of the said Vincent Hubbard, to order that a certified copy of all orders, returns, settlements and papers, in any manner whatsoever materially connected with the said guardianship, be made out by the clerk, and by him transmitted to the clerk of the county court of Pickens county, whose duty it shall be to record the same, and it shall be considered as a part of the record of the county court of Pickens county; and the said Vincent Hubbard shall be required to make his annual returns and settlements with the judge and county court of Pickens county, in the same manner that he is now required by law to make them with the judge and county court of Jefferson county.

Judge's duty

Sec. 3. *And be it further enacted,* That when the aforesaid certified copy of the orders, returns, settlements and papers, shall be delivered to the clerk of the county court of Pickens county, it shall be his duty to give his receipt therefor, which receipt, when delivered to the clerk of the county court of Jefferson county, shall discharge the said Vincent Hubbard from further liability to make returns and settlements with the judge and county court of Jefferson county.

To give receipt

Sec. 4. *And be it further enacted,* That it shall be the duty of the judge of the county court of Pickens county, before he shall take jurisdiction of the matters of the aforesaid guardianship, to require the aforesaid Vincent Hubbard to execute a new bond as guardian, in such amount, with such securities and conditions as are now required by law, payable to the judge of the county court of Pickens county and his successors, which bond shall be a discharge of further liabilities to securities on any bonds which may have been given by the said Vincent Hubbard, as guardian as aforesaid, to the judge of the county court of Jefferson county, from the date of the bond by this act required to be given. Approved, Dec. 23, 1836.

No. 180.] AN ACT

For the payment of certain claims therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums be, and the same are hereby allowed to the persons hereafter mentioned, for forage, subsistence, &c. furnished the volunteers, engaged in the service of the State against the Creek and Seminole Indians, to wit: To William R. Pickett, the sum of seventy-three dollars; to John Orr, the sum of sixty-

Appropriations.

nine dollars and seventy-five cents; to Stephen Harmon, the sum of forty-one dollars eighty-seven and a half cents; to Thomas Thorn, the sum of sixty dollars; to Eldridge Mallard, the sum of eighty two dollars and fifty cents; to Abraham Byers, the sum of forty-nine dollars and seventy-five cents; to John Burford, the sum of eighty-five dollars, and to John T. Abernathy, for cash paid for forage and subsistence, the sum of one hundred and six dollars and fifty cents.

Sec. 2. *And be it further enacted*, That the following sums be, and the same are hereby appropriated, for compensating the Benton Volunteers, viz: Captain T. M. Lickens; the sum of fifty-two dollars and sixty-eight cents; to Lieutenant William Garrett, forty-seven dollars and twenty cents; to Ensign H. H. Porter, the sum of thirty-nine dollars and ninety-four cents; to first Sergeant J. P. Lackey, the sum of thirty dollars and eighty cents; to William H. Fleming, A. Moore and Rice Hilliare, the sum of fifteen dollars and eighteen cents, each; to William M. M. Owen, Thomas Nesbit, J. Moore and A. Hoke, the sum of fourteen dollars and seventy-two cents, each; and to each of the privates of said company, the sum of thirteen dollars and eighty-six cents, viz: John Moore, M. M. Houston, H. Bryant, John McMicle, H. Rogers, R. Harris, J. Leach, T. Burnett, J. Burnett, G. Smith, R. Barnhill, D. Barnhill, I. D. G. Adarian, S. Putnam, I. M. Putnam, A. Wright, S. Richburg, W. Weatherby, N. Montgomery, T. E. Montgomery, T. M. McColly, S. Collins, R. Tankersly, S. Allen. R. Stanton, R. I. Davidson, G. Davidson, S. H. Lickens, W. A. Arnold. William Woodley, D. M. Renfro, P. Statum, R. Coleman, D. Bryant, N. D. Black, William Sadland, A. Modiwell, L. Carter, L. S. Chambers, W. Little, M. Hunt, W. M. McKaskel, T. M. Calhoun, A. S. Smith, J. Weir, W. M. Weir, S. Bridges, S. Stokes, J. Wiley, J. Hughes, William L. Williams, R. W. Weggins, C. H. Weaver, J. A. Lea, H. Carson, A. Deene, D. S. Owen, George Yuger and I. Copeland.

Sec. 3. *And be it further enacted*, That the comptroller of public accounts be, and he is hereby authorised and required, to issue his warrant on the treasury, to be paid out of any monies not otherwise appropriated, for the said sums of money, in favor of William Arnold, whose duty it shall be to pay the several sums above appropriated, to each of the officers and privates of said volunteer company, under a penalty of five thousand dollars.

Sec. 4. *And be it further enacted*, That the following sums be, and the same are hereby appropriated, out of any funds not otherwise appropriated, to the persons herein named, viz: To Clement Reese, the sum of one hundred and sixty-three dollars and fifty cents; to William Crowson, the sum of sixty-eight dollars and seventy-five cents; to David H. Lindsay, the sum of eighty-one dollars; to Harvey B. Miller, the sum of sixty-five dollars and six cents; to Middleton M. Anthony, the sum of thirty-two dollars and fifty-three cents; to William Durham, the sum of thirty-two dollars and fifty-three cents; to John Deese, the sum of thirty-two dollars and fifty-three cents; to Tobias Wharton, the sum of twenty-one dollars; to William Dobbs, the sum of six dollars; to Alfred Rippitoe, the sum of nineteen dollars; to the Coosa Bridge company, the sum of nineteen dollars; to L. Warton, the sum of five hundred and seventeen dollars and fifty cents; to John Ledbetter, the sum of thirty dollars; to John Lindsay, the sum of twenty dollars; to Arnold Seale, the sum of three hundred and sixty dollars and forty cents; to James W. Cooper, the sum of sixty-three dollars and fifty cents; to William King, the sum of thirteen dollars sixty six cents; to M. W. Harris, the sum of fifty-one dollars twenty-five cents; to James H. Hicks, the sum of thirty-eight dollars; to Benjamin Hollingsworth, the sum of ninety-nine dollars; to John Lawhon, the sum of thirty-eight dollars; to John Farley, the sum of four dollars and eighteen cents; to William Moore, the sum of two dollars and fifty cents; to Henry Gooch, the sum of thirty-six dollars and eighty-seven and a half cents; to

Neal McDonald, the sum of five dollars; to Sampson Laniere, the sum of twenty dollars; to Thomas Henderson, the sum of two hundred and ninety eight dollars and ninety-seven cents; to Merideth and Weats, the sum of nineteen dollars and twenty-five cents; to David Meredith, the sum of one hundred and one dollars and twenty-five cents; and to William C. Hicks, fifty dollars.

Sec. 5. *And be it further enacted*, That the comptroller of public accounts be, and he is hereby required to issue his warrant on the treasurer, for the above amounts to be paid out of any money in the treasury not otherwise appropriated: *Provided*, that the accounts named in this act shall not have been provided for, by any previous act of the present General Assembly. Approved, Dec. 23, 1836.

No. 181.] AN ACT

Authorising the payment of certain claims therein specified.

For the payment of cla's

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be furnished to David Powell, for furnishing provisions and forage to a volunteer company in service, thirty-five dollars; and to the said David Powell, for provisions and forage furnished friendly Indians and local troops, and for hauling arms from Montgomery to Tuckahatchee, six hundred dollars; to Elliott Thomas, for provision and forage, furnished the troops in service under General Moore, five hundred and thirty-seven dollars and fifty-nine cents; to Samuel Bogle, for furnishing forty-five volunteers, five days, one hundred and eighty dollars, and to the said Samuel Bogle, for furnishing the Selma Rangers in the service, two days, eighty-four dollars; to Edward Baxter, for furnishing the Shelby county volunteers one night, thirty-three dollars, and for furnishing Captain Young's company forage and subsistance, and assisting in carrying an express, forty dollars and seventy-nine cents; to Jefferson Bufford, for money advanced by him to defray expenses in transporting arms from Montgomery to Irwinton, one hundred dollars; to Milton B. Nash, for lumber taken and used by troops at Irwinton, forty-four dollars and seventy cents; to Blackwood and McKenzie, for use of a horse in service, by order of General Irwin, twenty-five dollars; to E. B. George, for the hire of a horse, five dollars and sixty-two cents; to Charles Lewen, for his services as Quarter Master General and for provisions furnished volunteers, sixty-four dollars, and to the following persons, for forage and provisions furnished volunteers and other military corps in service, to wit: To Samuel Carvan, ten dollars and fifty cents; to Reed and Robinson, twelve dollars; to James M. Scott, fifty dollars; to Zachariah Neel, four dollars and seventy-eight cents; to James Tittler, twenty-seven dollars: to John Browden, one dollar and thirty-seven cents; to Joshua R. Roberts, thirty-five dollars, and to Joshua K. Roberts, for provisions furnished the Madison county volunteers, fifty dollars, and to Michael B. Headen, for provisions furnished friendly Indians, seven hundred and eighteen dollars; to William Beauchamp, twenty dollars; to James Crow, sixty-seven dollars and fifty cents; to Tarlton Rhea & Co. six dollars; to Tarlton Rhea & Co. four dollars thirty-seven cents; to William F. Eckles, thirty-one dollars; to Tarlton Rhea & Co. thirty-six dollars; to Robert W. Lindsly, eight dollars.

Sec. 2. *And be it further enacted*, That the comptroller of public accounts, shall draw his warrant upon the State Treasurer, for the several sums mentioned in this act, which shall be paid out of any money in the Treasury, not otherwise appropriated. Approved, Dec. 23, 1836.

[No. 182.] AN ACT

Making appropriations for the payment of claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sum

of money, be, and the same are hereby set apart out of any money in the treasury not otherwise appropriated, for the payment of certain individuals hereinafter named, for furnishing provisions for persons confined in the jails of their respective counties, and for removing prisoners by order of court, to wit: to B. W. Hodges, sheriff of Pike county, the sum of eighty dollars; to Wylie White, sheriff of Pike county, the sum of fifty seven dollars and seventy five cents; to A. R. Coker, sheriff of Coosa county, the sum of one hundred and fifteen dollars and twenty five cents; to H. Ball, sheriff of Barbour county, the sum of one hundred and seventeen dollars and twenty cents; to Stephen S. Andress, sheriff of Monroe county, the sum of one hundred and eighty seven dollars and sixty cents; to John Atkins, jailor of Chambers county, the sum of eighty one dollars and fifty cents; to D. H. Valliant, jailor of Lawrence county, the sum of one hundred and sixty three dollars and eighty cents; to William Blythe, sheriff of Talladega county, the sum of four hundred and thirty six dollars and eighty cents; to J. W. Bonham, jailor of Lowndes county, the sum of forty six dollars and twenty cents; to James Daniel, jailor of Walker county, the sum of seventy seven dollars and sixty cents; to A. Riddle, sheriff of Jackson county, the sum of one hundred and ninety four dollars and ninety cents; to T. L. Toulmin, sheriff of Mobile county, the sum of eleven hundred and three dollars and twenty seven cents; to William Smith, sheriff of Washington county, the sum of two hundred and ninety eight dollars and fifty cents; to Daniel Partridge, jailor of Montgomery county, the sum of two hundred and eighty four dollars and ninety five cents; to Joseph Rutherford, sheriff of Walker county, the sum of forty six dollars; to D. Ballew, sheriff of Morgan county, the sum of eighty five dollars and eighty cents; to William Mazingo, constable in Washington county the sum of eighty eight dollars and sixty cents; to John P. Smith, constable in Jackson county, the sum of thirty four dollars and ten cents; to William Blythe, sheriff of Talledega county, the sum of ten dollars; to John B. McAlister, late sheriff of Green county, the sum of five hundred and fifteen dollars and twenty cents: to Daniel Lucas, jailor of Jackson county, the sum of four hundred and thirty dollars; to Harrell Hobdy, late sheriff of Pike county, the sum of fifty five dollars; to A. B. Thomas, sheriff of Sumter county the sum of one hundred and seventy dollars and fifty cents; to F. A. B. Wheeler, jailor of Butler county, the sum of thirty nine dollars and fifty two cents; to Samuel Frisbie, jailor of Washington county, the sum of six hundred and fifteen dollars and twenty cents; to T. L Toulmin, sheriff of Mobile county, the sum of eight hundred and eighty nine dollars and eighty cents; to Lewis Cunningham, sheriff of St Clair county, the sum of four hundred and thirty two dollars and eighty two cents; to F. A. B. Wheeler, jailor of Butler county, the sum of thirty seven dollars and fifty two cents; to William Wilkins, sheriff of Baldwin county, the sum of fifty three dollars and eighty nine cents; to James Benham, sheriff of Lauderdale county, the sum of six hundred and eighty eight dollars and twenty cents; to Richard W. Barbour, jailor of Tuscaloosa county the sum of fifty three dollars and sixty cents; to T. L. Toulmin, sheriff of Mobile county, the sum of forty five dollars; to Fleming Thompson, sheriff of Fayette county, the sum of nine dollars and fifty cents; to ——— Thomas, sheriff of Marion county, fifteen dollars. Appropriations.

Sec. 2 *And be it further enacted*, That following sums of money, be, and they are hereby appropriated to the payment of the persons herein named for making returns of elections for electors of President and Vice President of the United States, to wit: to John W. Womack, returning officer of Butler county, the sum of thirty dollars: to B. B. Pruitt, sheriff of Lowndes county, the sum of eighteen dollars and fifty cents; to B. C. Foster, sheriff of Clarke county, the sum of thirty nine dollars; to William Blythe, sheriff of Talledega county, the sum of twenty seven dollars and twenty five cents; to William Smith, sheriff of Washington county, the sum of thirty six dol-

lars and twenty five cents; to E. H. Hudson, sheriff of Walker county, the sum of twenty one dollars and twenty five cents; to Willis Darby, returning officer of Pike county the sum of thirty three dollars and twenty five cents; to George Birdwell, returning officer of Cherokee county, the sum of thirty three dollars; to Alexander Sample, returning officer of Autauga county, the sum of fifteen dollars and twenty five cents: to James M. Bolin, returning officer of Conecuh county, the sum of twenty seven dollars; to William Anderson, returning officer of Sumter county, the sum of twenty one dollars and fifty cents; to Felix C. Allen, returning officer of Marshall county, the sum twenty seven dollars and twenty five cents; to Felix C Allen, returning officer of Jackson county, the sum of thirty dollars and twenty five cents; to Hugh M Rogers, returning officer of Lawrence county, the sum of twenty one dollars and twenty five cents; to Joshua K Roberts, sheriff of Bolunt county, the sum of thirty dollars; to C. F. W. Miller, returning officer of Macon county, the sum of thirty dollars and twenty five cents; to Lewis Cunningham, sheriff of St. Clair county, the sum of twenty four dollars; to Robert Murphy, sheriff of De Kalb county, the sum of thirty dollars; to Robert W. Martin, returning officer of Coosa county, the sum of twenty seven dollars and twenty five cents; to Daniel B. Turner, sheriff of Madison county, the sum of thirty nine dollars and fifty cents; to Hugh W. Harriss, returning officer of Randolph county, the sum of thirty six dollars and twenty five cents; to N. H. Harris, returning officer of Russell county, the sum of thirty nine dollars and fifty cents; to James G. Blount, sheriff of Tuscaloosa county, the sum of nine dollars; to James Benham, sheriff of Lauderdale county, the sum of twenty eight dollars; to Daniel Rosser, sheriff of Wilcox county, the sum of twenty seven dollars and fifty cents; to Philip F Beazley, sheriff of Green county, the sum of twelve dollars; to Thomas G. Tyus, sheriff of Limestone county, the sum of twenty eight dollars and fifty cents; to H. Hobdy, sheriff of Pike county, the sum of thirty dollars; to Wylie White, sheriff of Pike county, the sum of nine dollars: to Stephen S. Andress, sheriff of Monroe county, the sum of thirty dollars; to Thomas Tooney, sheriff of Shelby county, for making return of the election of electors for President of the United States, fifteen dollars.

Sec. 3. *And be it further enacted* That the following sums of money be, and the same are hereby appropriated to the payment of the persons herein named, for making returns of elections for members to Congress, to wit: to Joshua K. Roberts, sheriff of Blount county, the sum of eighteen dollars: to Andrew Collins, sheriff of Dale county, the sum of eighteen dollars and fifty cents; to B. C. Foster, sheriff of Clarke county, the sum of thirty nine dollars; to A. R. Coker, sheriff of Coosa county, the sum of twenty seven dollars and twenty five cents; to Thomas Tooney, sheriff of Shelby county, the sum of fifteen dollars; to Alexander Riddle, sheriff of Jackson county, the sum of nine dollars.

Sec. 4. *And be it further enacted,* That the following sums of money, be, and they are hereby appropriated to the payment of the persons hereinafter mentioned, for prosecuting slaves charged with criminal offences, to wit: to J. B. Clarke, for prosecuting slaves Jerry and Marcus before the county court of Dallas county, the sum of twenty dollars; to Charles J. Cummens, for prosecuting slave Fanny before the county court of Tuscaloosa county, the sum of ten dollars; to John W. Womack, for prosecuting slave Bob before the county court of Wilcox county, the sum of ten dollars; to William Richardson, for prosecuting slave Diley, at a term of the circuit court of Lauderdale county, the sum of ten dollars; to Dear and Sterrett, for prosecuting slave Caroline, before the county court of Wilcox county, the sum of ten dollars; to William F. Pierce of Greene county, the sum of ten dollars for prosecuting a slave.

Sec. 5. *And be it further enacted,* That the following sums of money,

be. and they are hereby appropriated to the payment of the persons hereinafter mentioned for publishing "An Act to metigate the penal laws of this State," and for other printing done for the State, to wit: to Philip Woodson, jr. the sum of eight dollars; to Simon Henderson the sum of ten dollars; to Posey and Coffee, the sum of twelve dollars; to Thomas M. Bradford, the sum of sixteen dollars; to C. S. Smith, the sum of ten dollars.

Sec. 6. *And be it further enacted*, That the sum of two hundred and eighty nine dollars and twelve cents, be, and the same is hereby appropriated to the payment of William Findley sheriff of Tuscaloosa county or his executors or administrators, for attendance on the Supreme Court and for stationary and other articles furnished for its use; to G. B. Frierson, principle clerk of the House of Representatives, for services to be performed in bringing up the journals of the House, one hundred and fifty dollars.

Sec. 7. *And be it further enacted*, That the following sums of money, be, and the same are hereby appropriated to the payment of the persons hereinafter mentioned, for fuel furnished for the use of the present General Assembly, to wit: to Kinney Poole, the sum of two hundred and thirty nine dollars; to Daniel Hamer, the sum of thirty one dollars.

Sec. 8. *And be it further enacted*, That the following sums of money, be, and they are hereby appropriated to the payment of the persons herein named for the objects specified, to wit: to Solomon Furteat for repairs on the State Capitol, the sum of thirty dollars and fifty cents; to John Tatom door-keeper for servant hire, the sum of sixty seven dollars; to John Tatom door-keeper and James Rather, the sum of ten dollars each, for illuminating the capitol; to H. Perkins, the sum of thirteen dollars and sixty eight cents for repairing grates; to A. Lynch, the sum of seventy seven dollars and seventy five cents, for furniture and repairs; to James Rather, the sum of ninety six dollars, for taking care of the capitol and hanging six window curtains; to Charles Beale, the sum of seventeen dollars, for candles; to James Hogan, the sum of two hundred and fifty dollars and fifty two cents, for stationary, candles and other articles for the use of the legislature; to Kelly and Donoho, the sum of thirty three dollars for repairs done on the capitol; to V. Hart, the sum of seven dollars and eighty seven cents for sand boxes; to Augustin Lynch, the sum of thirty four dollars and sixty two cents for repairing furniture in the Representatives Hall, and to I. and J. Camp, eight dollars for candle sticks furnished the capitol.

Sec. 9. *And be it further enacted*, That the sum of one hundred and twenty five dollars, be, and the same is hereby appropriated to the payment of Stephen S. Garrett, for medicines furnished and for attendance on prisoners in the jail of Montgomery county.

Sec. 10. *And be it further enacted*, That the sum of seven dollars, be, and the same is hereby appropriated out of the University Fund to the payment of Posey and Coffee, for publishing notice to University land debtors.

Sec. 11. *And be it further enacted*, That the following sums, be, and they are hereby appropriated for the payment of the claims of certain persons hereafter mentioned, viz: to A. Lynch, seventy seven dollars and thirty three and a half cents; to William Oscar sheriff of Benton county, nineteen dollars and eighty cents; to B. N. Glover solicitor, ten dollars; to Elijah Cathron jailor of Perry county, one hundred and two dollars and forty cents; to T. W. L. M'Cleskey returning officer of Morgan county, twenty seven dollars; to Solomon Purtea', fifteen dollars; to John Love jailor of Dallas county, one hundred and eighty two dollars and ninety cents; to E. G. Thomas, sheriff of Marion county, fifteen dollars and twenty five cents; to John P. Booth, solicitor, twenty dollars; to Charles Lewin, two hundred dollars; to William Snider, one hundred and fifty dollars; to Robert Bell, deputy sheriff of St. Clair county, one hundred and sixteen dollars and seventy five cents; to M. P. Mead returning officer of Benton county, forty two dol-

lars; to James M. Bonduran', sheriff of Marengo county, thirty two dollars and seventy five cents; to David Chandler, sheriff of Perry county, fifteen dollars; to Anderson Bean, returning officer of Franklin county, twenty one dollars and twenty five cents; to Asa Messenger, eighteen dollars; to William Smith jailor of Benton county, four dollars and forty cents; to Battle and Miller, one hundred and ninety nine dollars and six and three quarter cents; to Simpson Robinson jalor, of Jefferson county, twenty four dollars; to Joel White, six thousand six hundred and forty dollars; to John Atkins, jailor of Chambers county, eighty five dollars and twenty cents; to George W. Elliott, sheriff of Russell county, fourteen hundred and eighty dollars and forty cents; to M. D. J. Slade, for printing, eight hundred and thirty three dollars and fifty cents; to Thomas Price, sheriff of Morgan county, one hundred and seventy two dollars and fifteen cents; to James Burns of Benton county seven dollars; to William R. Hunt, jailor of Madison county, five hundred and fifty five dollars and sixty cents; to H. A. Snow, four dollars; I. and J. Camp, eleven dollars; to A. R. Thomas door-keeper, for servant hire, &c. seventy three dollars and seventy five cents.

Sec. 12. *And be it further enacted*, That the following sums of money, be, and the same are hereby appropriated for the payment of persons herein named, viz: the sum of thirty seven dollars and eighty three cents to James Hogan, for stationary; the sum of ten dollars to A. R. Thomas for illuminating the senate chamber; the sum of one hundred and fifty dollars to C. D. Connor, secretary of the senate, for bringing up the journal of the senate; to A. R. Thomas, door-keeper, the sum of sixty six dollars for wood and other things furnished; to M. D. J. Slade, one hundred and sixty five dollars, for printing State Bank documents, &c.

Sec. 13. *And be it further enacted*, That the sum of eleven hundred and eighteen dollars, be, and the same is hereby allowed to Thomas M. Bradford for printing done for the present legislature, to be paid out of any money in the treasury not otherwise appropriated.

Approved, Dec. 23, 1836.

JOINT RESOLUTION.

Be it resolved by the Senate and House of Representstives of the State of Alabama, in General Assembly convened: That Meek and McGuire, State Printers for the year 1836, be and they are hereby allowed the sum of two thousand dollars, in addition to the amount already received by them, as compensation for the work done by them for the State; and that the Comptroller of Public Accounts, be and he is hereby instructed to issue his warrant upon the Treasury for the same: *Provided*, they produce vouchers from the Clerks of all the counties of this State, of their delivery of the acts of the last session of the Legislature.

Approved, Dec. 21, 1836.

JOINT RESOLUTION to keep and preserve all the furniture of both Houses of the General Assembly and for other purposes.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That immediately after the adjournment of the present General Assembly, it shall be the duty of the Door-keeper of each House, to put all the furniture of the House of which he was Door-keeper, in order, and in the presence of each, to take a correct and true inventory of all such furniture, together with the stationary on hand, for which service the said Door-keepers, shall each receive the sum of fifteen dollars, to be paid out of any money in the Treasury not otherwise appropriated.

And be it further resolved, That it shall be, and is hereby made the duty of James Rather, the Messenger of the House of Representatives, to receipt for all such furniture and stationary aforesaid, and to file the same, together with the aforesaid inventory, in the office of the Secretary of the State.

And be it further resolved, That it shall likewise be the duty of the said James Rather, to take charge of all the vacant rooms in the State Capital, to have the same ventilated and kept clean, and deliver the same, together with the furniture and stationary aforesaid, to the proper authorities, at the commencement of the next session of the General Assembly.

And be it further resolved, That for the faithful performance of all the aforesaid duties, the sum of one hundred dollars shall be paid to the said James Rather.

Approved, Dec. 23, 1836.

JOINT MEMORIAL to the Congress of the United States, asking the right of pre-emption to actual setlers of the public lands.

To the Congress of the United States: Your Memorialists, the General Assembly of the State of Alabama, respectfully represent to your honorable bodies, that at the present time, there are a very numerous and industrious class of men, who have settled on the public lands, lying within the State of Alabama, and have made improvements many of them valuable and extensive. They have been, to some extent, induced so to do by the liberal and enlightened policy, heretofore adopted by the federal Government, in granting the right of pre emption to actual settlers, and from the firm persuation that the Congerss of the United States, would not put a stop to that policy so just and wise in itself, at a time when the public coffers are overflowing, and no longer need for any purpose a heavy revenue, from the sales of the public lands.

Respecting the virtue and expediency of the pre-emption policy, your Memorialists forbear to werry your patience with argument. It has been so often discussed, and is so well understood, that a labored [illegible] of facts and reasons on this occasion, would be a wasteful expenditure of time, either for us to repeat or in your to hear; our own convictions, ripened by observation and experience, pronounce the pre-emption policy, a good one, and we respectfully trust, that your honorable bodies, will regard it in the same light that your predecessors have done.

In regard to the claims of the setler to the *favor* which we ask at your hands, much might be said, but we will leave that subject, also, to your own wisdom and liberality; we know that a great deal has been urged against his claim; that the pre emption policy is at best, a gratuity to intruders upon the public domain, and that it opens a wide door to fraud and perjury. To this we may reply, that there never was any policy, however wise, and just in its general bearing, that has not been wrested to selfish purposes by dishonest men, through dishonest means; and we would simply inquire of you honorable bodies, which is best, to give the whole body of public lands, to bands of selfish and exorbitant speculators, and the system of public auction, or to suffer a few bad men, by dishonest means, to gain small tracts, while the great body of worthy and industrious settlers, are secured in the homes which they have cleared and cultivated, against the superior force and fraud of those trained bands of speculators, who resort to the land sales everywhere, to make the honest settler, who is more anxious than any other man, to make his title, tract and cabin his own, their peculiar and favorite subject of extortion and speculation.

In conclusion, we respectfully ask your honorable bodies to pass a law, granting to actual setlers on the public lands, lying within the State of Alabama, the right of pre-emption at the minimum price, of one hundred and sixty acres, including their improvement. We care not how cautious and vigilant you may be in the provisions of the law, to fence out fraud and perjury, as it is only the honest actual setler that we wish to be favored.

Your Memorialists would most respectfully bring to the notice of your honorable bodies, another meritrious class of our fellow citizens, who have been deprived of their homes and their labour, by floats purchased up by rapacious speculators, and placed upon their improvements; to allow to those thus situated, the right of pre-emption, to one quarter section of unimproved and unoccupied land at government price, would be a great relief to them, and of little or no injury to the Government.

Your Memorialists beg leave further to remark, that time and experience has only tended more fully to confirm all that has been heretofore said in favor of the propriety and necessity of adopting some plan, by which the refuse and unsold lands in the new States may be disposed of; and they would again most respectfully urge the adoption of graduating the price of the public lands, upon the plan of the Hon. Thomas H. Benton's bill, or some other equitable mode, by which the people of the new States, may see the day, when the refuse and unsold lands contigious to their homes, may be owned by them, without giving to the General Government, double and in some instances, tribble their intrinsic value.

Your Memorialists would further respectfully present another important view of this subject: That there are five hundred thousand American people who have no home; who are honest, industrious and faithful citizens, who love their country and obey its laws; whilst the Government holds more than two hundred and fifty millions of acres of wild lands, lying waste and uncultivated in the vast forest of the West, of which more than one hundred millions of acres have been surveyed by the Government, and yet remain unsold. These five hundred thousand citizens, are too poor to compete with the rich, well organized, enrolled companies of land purchasers, who attend all the public land sales, and from their overgrown capitals, purchase all the valuable lands, leaving nothing but the barren lands for those who are poor, which give no hope for a better condition to this large mass of your citizens, and all this without adding to the phblic revenue, as but little of your lands sell for more than the minimum price; moreover, an enhanced price

public lands is not necessary for public revenue, as the Government's Treasury is already full to overflowing, and the Government without a cent of public debt hanging over it. Your memorialists therefore pray, that Congress would pass a law, authorising any citizen of the United States, to enter upon any quarter section of any of the public lands, that have been surveyed, and upon applying to the register of the land district in which the same may be, and paying the Government price to the receiver of public monies, to be entitled to and shall receive a certificate of purchase thereof, in the same manner as purchasers at public sales are entitled.

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators be instructed, and our Representatives in Congress be requested, to use all honorable exertions to effect the object contemplated in the memorial; and that the Governor of this State be requested to forward a copy of the same to each Senator and Representative in Congress from this State, with a request that it be laid before their respective Houses. Approved, Dec. 22, 1836.

JOINT MEMORIAL of the General Assembly of the State of Alabama to the Congress of the United States, praying an extension of the pre-emption law.

Your memorialists represent to your honorable body, that by an act to revive the act, entitled an act to grant pre-emption rights to setlers on public lands, approved, May 29th, 1830, passed by the Congress of the United States, and approved June 29th, 1834, every setler or occupant of the public lands, prior to the passage of said act, who was then in possession and cultivated any part thereof in the year 1833, and held possession of the same in the year 1834, should be entitled to all the benefits and privileges provided by the act entitled an act to grant pre-emption rights to setlers on public lands, approved, May 29th, 1830.

Your memorialist further represent, that the setlers upon the Cherokee lands, acquired by a treaty, concluded between that tribe of Indians and the United States, some time within the last year, that the numerous and highly respectable citizens, who have setled their lands, are the honest husbandman, who have subdued the forest by his toil and labor, hazarding his life and that of his family, among the savage tribe, who has uniformly become the victim of the speculator, and been forced to purchrse his home at a price far above the real value, or turn his wife and children into the wilderness: Therefore your memorialist pray your honorable body, to grant to all the setlers upon the Cherokee lands within this State, a pre emption right of one quarter section, or such number of acres as you may think fit, so as to secure for them a home. Therefore

Be it resolved, That our Senators in Congress be instructed, and our Representatives be requested to use their best exertions to procure the passage of a law to forward the object of this memorial.

Resolved further, That the Executive of this State, cause a copy of this memorial and resolutions, to be forwarded to each of our Senators and Representatives in Congress.

Approved, Dec. 23, 1836.

JOINT MEMORIAL of the Senate and House of Representatives of the State of Alabama in General Assembly convened, to the Senate and House of Representatives of the United States in Congress assembled in favor of an increase of the pay of the militia while in actual service.

Your memorialists repesctfully represent to your honorable bodies, that their attention has been drawn to the subject of the compensation allowed by law to the citizen soldier when called into the service of the United States, and its inadequacy is so manifest in every point of view, that they cannot in justice to those they represent, omit bringing the subject directly before that authority who possess the exclusive power of applying the remedy.

Whatever may be the opinion of your memorialists as regards the compensation of the regular soldiery, they must refrain from expressing their views, inasmuch as they feel that they have no imediate concern with that subject.

No identity, however, in their judgment exists with these cases. The consideration which should influence the action of Congress, in the former will be found wholly inapplicable in the latter, particularly as relates to the privates of the regular army. In joining the service, there is no holy zeal for liberty nor impassioned love of country; they are known to take the bounty and enter the army precicely as they would hire into any other employment. Indeed many are believed to seek it as an assylum from hunger, want and misery entailed upon them by their hideous and ungovernable vices. Not so with the citizen soldier. He is not moved by the attractions of a paltry bounty, nor influenced by the hope of ultimate gain to himself. While pursuing the peaceful walks of private life, and engrossed and fettered by the various ties of his social relations, he is aroused by the call of his country to arms. At once he pauses in his avocations hesitates

not to sacrifice his private interests, however great, on the alter of the general good; bursts asunder the delicate bands that bind him to his home and his family, and flies with the unconquerable spirit of a freeman to the tented fields or untented wilderness.

It is not expected or desired by your memorialists or their constituents, that you will authorise a reimbursement of the collateral or incidental deprivations of the citizen soldiers, nor indeed that you will provide adequate compensation for his actual loss of time and property or necessary exdenditure of private funds, but the present paltry pay is so grossly inadequate, even below the compensation allowed our soldiers during the last war with Great Britian, when our Federal Treasury was not only exhausted, but millions in default; that it does seem that wisdom, good policy and even justice require that now our governmet treasury is running over and inundating the whole land with the surplus revenue, that at least a reasonable compensation, some slight solace for the emptied pockets of the sufferer should be [redacted] those who at the sound of their country's tocsin forget self in the view of d[redacted]w citizen, tear themselves from all the comforts and endearments of ho[redacted]rily repair where duty calls in defence of the frontier from savage massacre, [redacted]shores of their beloved country from foreign invasion. Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives be requested to use their best endeavors to obtain an increase by Congress, of the pay now allowed to the militia when called into the service of the States of the Union, to a sum more commensurate with their actual loss of time and their expenditure of private funds for their equipment and comfort.

And be it further resolved, That the Governor transmit to each of our Senators and Representatives in Congress, a copy of the foregoing memorial and resolution.

Approved, Dec. 23, 1836.

JOINT MEMORIAL to the Congress of the United States, in relation to t[redacted]s of the late Creek war.

The memorial of the Senate and House of Representatives of t[redacted]ate of Alabama in General Assembly convened, sheweth, That the citizens in that portion of the State lately in the occupancy of the Creek nation of Indians, have greatly suffered by depredations committed upon their persons and property, by portions of the hostile Indians, belonging to said Creek tribe; in the prosecution of their savage and piratical war upon the setlers, they devastated plantations, burnt houses, carryed off personal property and in many instances, entirely destroyed the growing crops, the few scattered white settlers, becoming justly alarmed at the beligerant attitude of the Indians, fled the country for their personal safety and abandoned all their property to the merciless outrage of savage depredations; from this state of things great losses of property and infinite privations ensued; insomuch that it will require many years under [redacted]most precarious circumstances, for the setler to repair the great injury thus wanto[redacted]nflicted upon their lawful property; in consideration of these facts, the General Assembly of Alabama, pra[redacted]e Congress of the United States to appoint or cause to be appointed, a suitable agent to investigate the nature and extent of the losses sustained by the people of that portion of Alabama, [redacted] ding in the country lately occupied by the Creek Indians, and also to make an appropri[redacted] tion for the payment of such claims.

Therefore be it resolved, That the Governor be requested to transmit a copy of the foregoing memorial to our Senators and Representatives in Congress, and that our Senators be instructed, and our Representatives requested, to use their influence in favor of the foregoing memorial.

Approved, Dec. 23, 1836.

JOINT MEMORIAL to the Congress of the United States, relative to the two per cent fund.

Your memorialist, the General Assembly of the State of Alabama, respectfully represent to your honorable bodies, that by the act of Congress for the admission of this State into the Union, passed March 2, 1819, it was provided that five per cent of the nett proceeds of the sales of public lands lying within this State, should be reserved for making public roads, canals and improving the navigation of rivers, of which three fourths were to be applied to those objects within the State, under the direction of the State Legislature, and the remaining two fifths to the making of a road or roads leading to the said State, under the direction of Congress.

No appropriation, as we would inform your honorable bodies, has ever yet been made by this State of the three per cent fund, under their control, mainly for the reason that it was not required to furnish us with good common roads. It was not sufficient to accomplish any great work of internal improvement of general interest to the State, and our Legislature have heen unwilling to expend in making, or rather attempting to make, a

great number of improvements of a purely local character; it has been attempted to be distributed in that way, but the Legislature has uniformly resisted the attempt. It has been carefully husbanded by the State at interest, until it now amounts to the sum of $383,463 56.

No appropriation, we believe, has ever yet been made by Congress, of the two per cent fund placed under the direction of Congress, for making a road or roads leading to this State. That fund must now amount to near two hundred and fifty thousand dollars. The joint fund would now amount to more than half a million. A sum sufficient with a further appropriation from the State, to accomplish some great work of internal interest to the State, and to the whole Union in a great or less degree.

The time has passed when any part of the fund is required to make roads leading to this State. We are now surrounded on all sides by [illegible] long since settled, and have good roads leading to and from us in every direction [illegible] kept in order under the State authorities.

In consideration of the premises, we respectfully [illegible] honorable bodies, to pass a law, transfering to the State of Alabama, the two [illegible] fund, set apart for this State, to be expended in the manner directed by the act of Congress for the admission of Alabama into the Union, in regard to the three per cent fund and under the direction and authority of the State.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators and Representatives in Congress, be instructed to use their best exertions to accomplish the object contemplated by this memorial; and that the Governor of this State be requested to furnish each of them a copy of the same, to be laid before their respective Houses. Approved, Dec. 23, 1836.

DEPARTMENT OF STATE.
TUSCALOOSA ALABAMA, FEBRUARY 27, 1837.

I have carefully examined the foregoing acts and resolutions, and find them to be true copies of the original rolls on file in my office.

T. B. TUNSTALL, Secretary of State.

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